

MAINE STATE LEGISLATURE

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NINETY - THIRD LEGISLATURE

Legislative Document

No. 1501

H. P. 1754

House of Representatives, May 6, 1947.

Reported by Mr. Anderson from Committee on Legal Affairs and printed under joint rules.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

**AN ACT Relating to the Construction, Installation, Repair, Use, Operation
and Inspection of Elevators, Dumb-Waiters and Escalators.**

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

R. S., c. 85, §§ 59-A-59-J, additional. Chapter 85 of the revised statutes is hereby amended by adding thereto 10 new sections to be numbered 59-A to 59-J, inclusive, to read as follows:

'Board of Elevator Rules and Regulations

Sec. 59-A. Establishment and purpose; membership; classification; term; salary and expenses. There is hereby established and created the board of elevator rules and regulations for the purpose of governing and controlling the construction, installation, repair, use, operation and inspection of elevators, dumb-waiters and escalators whereby to provide the greatest possible personal, material, and public safety in connection with the use of such elevators, dumb-waiters and escalators. The created board of elevator rules and regulations shall consist of 5 members of whom 4 shall be appointed to membership by the insurance commissioner subject to the approval of the governor and council. The 5th member shall be the insurance commissioner. The chairman of the board of elevator rules and regulations shall be the insurance commissioner. Of said 4 appointed members of said board, 1 shall be a representative of the owners and users

of elevators, dumb-waiters and escalators within the state; 1 shall be a representative of the elevator manufacturers used within the state; 1 shall be a representative of the public at large; and 1 shall be a representative of an insurance company licensed to insure elevators within the state.

Of said 4 appointed members of said board, 1 shall be appointed for a term of 1 year; 1 shall be appointed for a term of 2 years; 1 shall be appointed for a term of 3 years; 1 shall be appointed for a term of 4 years; each member shall hold office until his successor has been duly appointed and qualified. At the expiration of each member's term of office his successor shall be appointed from the same classification in accordance with the provisions of this section for a term of 4 years each. In case of a vacancy in the board membership either by death or resignation the insurance commissioner shall appoint a member of the proper classification as provided in this section to serve the unexpired term of the absent member.

The 4 appointed members of said board shall serve without salary and shall receive their actual expenses not to exceed their actual railroad fares and hotel bills for not more than 20 days in any year while engaged in the performance of their duties as members of said board, such expenses to be paid in the same manner as in the case of other state officers. The chairman of said board shall approve and countersign all vouchers for expenditures under the provisions of this section.

Sec. 59-B. Definitions. Under the provisions of sections 59-A to 59-J, inclusive, the term "board" shall mean the board of elevator rules and regulations hereby created; the term "approved" shall mean as approved by the board of elevator rules and regulations; the term "elevator" shall apply to a hoisting or lowering device to which a car or platform operating in guides or rails has been attached, such car or platform intended for use in raising or lowering freight and/or passengers in a substantially vertical direction; the term "dumb-waiter" shall apply to either power driven or hand operated of hoisting or lowering device to which a car or platform operating in guides or rails has been attached, such car or platform having a floor area not exceeding 9 square feet in area and a car height not exceeding 4 feet and intended for use in raising or lowering freight completely exclusive of human passengers and/or operator; and the term "escalator" shall mean a moving inclined continuous stairway, ramp or runway used for raising or lowering passengers.

Sec. 59-C. Duties and powers of the board; meetings. The board shall formulate rules and regulations for the sale and proper construction, installation, repair, use, operation and inspection of elevators,

dumb-waiters and escalators in the state, and such rules and regulations shall basically formulate so far as practical from the "standard Safety Code for Elevators, Dumb-Waiters and Escalators" as approved by the American Standard Association. Such rules and regulations shall become effective 90 days after the date they are adopted as hereinafter provided except that rules and regulations applying to the construction of new elevators, dumb-waiters and escalators shall not become effective to prevent the installation of such new elevators, dumb-waiters and escalators until 6 months after the passage of sections 59-A to 59-J, inclusive. Any change in rules raising the standards governing methods of construction of new elevators, dumb-waiters and escalators or revising the quality of materials used in their construction shall not become effective until 6 months after the date of adoption of such change in rules as hereinafter provided.

Before any rules or regulations, changes in rules or regulations or amendment to any rules or regulations shall be adopted by the board, such rules, regulations, changes and/or amendment shall be presented at a public hearing, suitable notification of such hearing to be published in at least 3 newspapers throughout the state not less than 15 days prior to the date set for the holding of said public hearing. The board shall meet not less than twice each year to conduct all necessary business. Such meetings shall take place at the state capitol or such other location and at such time as meets the approval of the members of the board.

Sec. 59-D. Insurance commissioner, duties re elevator inspectors; access to premises. It shall be the duty of the insurance commissioner to allocate and supervise the inspectors of elevators. It shall be the duty of the insurance commissioner to hold examinations at intervals as instructed by the board for the purpose of establishing the fitness of applicants to become elevator inspectors and upon authorization by said board to issue certificates of authority to those persons found suitable by examination and approved by said board to become authorized elevator inspectors. It shall be the duty of the insurance commissioner to publish and distribute among elevator manufacturers, repair companies and others requesting them, copies of the rules, changes in rules and amendments as adopted by the board. It shall be the duty of the insurance commissioner to arbitrate all differences of opinion arising between elevator inspectors and builders, owners and operators of elevators, dumb-waiters and escalators whenever such differences concern the interpretation of rules and regulations adopted by the board.

The insurance commissioner is empowered to have free access for himself

and any authorized elevator inspector or inspectors during reasonable hours to any premises within the state wherein any elevator, dumb-waiter or escalator is built, being installed, operated or repaired for the purpose of ascertaining whether such elevator, dumb-waiter or escalator is built, installed, operated or repaired in accordance with the provisions of sections 59-A to 59-J, inclusive, and in accordance with the rules and regulations adopted by the board as referred to in section 59-B. The insurance commissioner is empowered to enforce the laws of the state governing the use of elevators, dumb-waiters and escalators and to enforce the adopted rules and regulations of the board.

Sec. 59-E. Elevator inspectors; appointment; duties. As deemed necessary by the board, the insurance commissioner shall be instructed by the board to hold examinations from time to time to determine the fitness of applicants to become elevator inspectors. Those applicants found suitable by examination and approved by said board shall be issued certificates of authority by the insurance commissioner and shall be appointed elevator inspectors as referred to in section 59-C. Whenever required by rules and regulations of the board, the elevator inspector shall undertake complete inspection of an elevator, dumb-waiter or escalator and shall make a full report to the owner and to the insurance company insuring such elevator, dumb-waiter or escalator stating all defects found and all non-compliances with the rules and regulations adopted by the board. In cases where serious infractions of the rules and regulations adopted by the board are found by the elevator inspector, it shall be his duty to advise the insurance commissioner by quickest means who may in turn forbid the operation of the elevator, dumb-waiter or escalator until all rules and regulations of the board are complied with to the satisfaction of himself.

If, following inspection, the elevator, dumb-waiter or escalator is found to be in a safe condition and to conform to the rules and regulations adopted by the board, the elevator inspector shall certify to the insurance commissioner his findings and said commissioner shall issue a card or certificate and supply same to be prominently secured in or near the elevator, car, dumb-waiter or escalator; said card to state the date of the inspection, date of expiration of the card, name of the inspector and the maximum load to which the elevator, dumb-waiter or escalator may be subjected.

If, following inspection, the elevator, dumb-waiter or escalator is found to be in a safe condition but not in full compliance with the rules and regulations of the board, the insurance commissioner shall issue a card or certificate of distinctive color and supply same to be prominently secured in or near the elevator car, dumb-waiter or escalator; said card to state

the date of the inspection, date of expiration of the card, name of the inspector and the maximum load to which the elevator, dumb-waiter or escalator may be subjected.

Sec. 59-F. Inspection certificate required and penalty. On and after 6 months from the adoption of the rules and regulations formulated by the board it shall be unlawful for any person, firm or partnership or corporation to operate any elevator, dumb-waiter or escalator covered by the provisions of sections 59-A to 59-J, inclusive, without a valid inspection certificate attached thereto as provided in section 59-E. The operation of any elevator, dumb-waiter or escalator without an inspection certificate prominently displayed as referred to in section 59-E shall constitute a misdemeanor on the part of the owner or authorized lessee thereof and be punishable by a fine not less than \$25 nor more than \$100, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.

The operation of any elevator, dumb-waiter or escalator bearing an inspection certificate of distinctive color attached thereto as referred to in section 59-E for a period longer than that prescribed by the board shall constitute a misdemeanor on the part of the owner or authorized lessee thereof and be punishable by a fine and/or imprisonment as though said elevator, dumb-waiter or escalator carried an invalid certificate as heretofore set forth.

Sec. 59-G. Rules covering installation of new elevators, dumb-waiters and escalators, fees. New elevators, dumb-waiters or escalators which do not conform to the rules adopted by the board shall not be installed within this state after 6 months from the date upon which the rules and regulations under the provisions of sections 59-A to 59-J, inclusive, are adopted. General layout plans of each new elevator, dumb-waiter, or escalator shall be submitted to and approved by the insurance commissioner before the construction of same may be started. Fees for examination of plans shall be \$1 per \$1,000 of the valuation of equipment, provided, however, the minimum fee shall be not less than \$5 and the maximum fee shall be not more than \$25. Fees for annual inspection shall be \$5. All fees collected under the provisions of sections 59-A to 59-J, inclusive, shall be credited to the insurance department for the expenses incurred in the administration of the provisions of sections 59-A to 59-J, inclusive.

All elevators, dumb-waiters and escalators installed and ready for use or being used prior to the immediately aforesaid 6-month period shall be made to conform to the adopted rules and regulations of the board.

Sec. 59-H. Application of §§ 59-A to 59-J, to elevators, dumb-waiters and escalators now in use. The provisions of sections 59-A to 59-J, inclusive, shall not be construed as in any way preventing the use or sale of elevators, dumb-waiters and escalators which shall have been installed or in use in this state prior to the taking effect of said sections and shall have been made to conform in its present location to the adopted rules and regulations of the board and inspected in such location as referred to in section 59-F.

Sec. 59-I. Exemptions. The provisions of sections 59-A to 59-J, inclusive, shall not apply to elevators, dumb-waiters and escalators which are under the control of the federal government or the public utilities commission or which are located and maintained in private residences exclusively for private use.

Sec. 59-J. Appeals. Any person aggrieved by an order or act of the commissioner or department under the provisions of sections 59-A to 59-I, inclusive, may, within 15 days after notice thereof, appeal from such order or act to the superior court in equity which shall hold a hearing thereon, and said court shall order such reasonable notice as shall be given to all interested parties. Said court shall, after such hearing, issue an appropriate order or decree either approving or disapproving said order or act.'