

MAINE STATE LEGISLATURE

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N I N E T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 1138

S. P. 394

In Senate, March 6, 1959

Referred to the Committee on Legal Affairs. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Thurston of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Relating to Inspection and Licensing of Ski Lifts.

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

Sec. 1. R. S., c. 30, § 115, amended. Section 115 of chapter 30 of the Revised Statutes is amended to read as follows:

'Sec. 115. Establishment and purpose; membership; classification; terms; salary and expenses. The purpose of the Board of Elevator Rules and Regulations as heretofore established, is to govern and control the construction, installation, alteration, repair, use, operation and inspection of elevators **and ski lifts**, in order to provide for reasonable personal, material and public safety in connection with ~~the their use of such elevators~~. The said board shall consist of ~~5~~ **6** members, of whom ~~3~~ **4** shall be appointed to membership by the commissioner, subject to the approval of the Governor and Council. Each member shall hold office until his successor is duly appointed. At the expiration of each member's term, his successor shall be appointed by the commissioner, subject to the approval of the Governor and Council, from the same classification in accordance with ~~the provisions of~~ this section for a term of 4 years. In case of a vacancy in board membership, the commissioner, with the approval of the Governor and Council, shall appoint a member of the proper classification to serve the term of the absent member. Of the ~~3~~ **4** appointed members of the board, one shall be a representative of owners or lessees of elevators within the State; one shall be a representative of manufacturers of elevators; one shall be a representative of insurance companies licensed to insure elevators in the State; **and one shall be an operator of a ski lift.** The ~~4th~~ **5th** member of the board shall be the Insurance Commissioner and the ~~5th~~ **6th** member of the

board shall be the Commissioner of Labor and Industry, who shall also be chairman of the board.

The board shall meet at least twice yearly at the State Capitol or any other place designated by the chairman.

The ~~3~~ 4 appointed members of said board shall serve without salary and shall receive their actual expenses 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. 2. R. S., c. 30, § 116, amended. Section 116 of chapter 30 of the Revised Statutes, as amended by chapter 3 of the public laws of 1955, is further amended by adding before the last paragraph the following:

“Ski lift” shall mean all parts and appurtenances of a device designed or used to transport persons uphill on skis, in cars on tracks, or in chairs suspended on steel cables, chains, link belts or ropes usually supported by trestles or towers with one or more spans, including but not limited to the following:

I. An aerial passenger tramway, which is an open or enclosed passenger car attached to and suspended from a moving cable, or attached to a moving cable and supported on a standing cable or other supporting means.

II. A ski train, which is a line of passenger cars running on tracks and pulled by a cable.

III. A chair lift, which is a line of chairs suspended in the air and attached to a moving cable, chain or link belt supported by trestles or towers with one or more spans.

IV. A J-bar, T-bar or platter pull, which pull the skier riding on skis by means of an attachment to a main overhead cable supported by trestles or towers with one or more spans.

V. A rope tow, which is a moving rope which pulls the skier riding on skis as he grasps the rope manually.'

Sec. 3. R. S., c. 30, § 116, amended. Section 116 of chapter 30 of the Revised Statutes, as amended by chapter 3 of the public laws of 1955, is further amended by inserting after the 3rd paragraph a new paragraph to read as follows:

“Authorized ski lift inspector” shall mean an individual authorized by the commissioner to examine and inspect ski lifts and may be a person in the employ of an insurance company licensed to insure against loss from ski lift accidents in the State.'

Sec. 4. R. S., c. 30, § 116, amended. Section 116 of chapter 30 of the Revised Statutes, as amended by chapter 3 of the public laws of 1955, is further amended by adding at the end thereof the following:

‘**“State ski lift inspector” shall mean an individual in the employ of the State whose duties shall be the examination and inspection of ski lifts under the direction of the commissioner.**’

Sec. 5. R. S., c. 30, § 117, amended. Section 117 of chapter 30 of the Revised Statutes is amended to read as follows :

‘Sec. 117. Duties and powers of the board. The board shall formulate reasonable rules and regulations for the safe and proper construction, installation, alteration, repair, use, operation and inspection of elevators **and ski lifts** in the State. The rules and regulations so formulated shall conform as far as practicable to ~~the Standard Safety Code for Elevators as applicable safety codes~~ approved by the American Standards Associations. Such rules and regulations shall become effective 90 days after the date they are adopted, except that rules and regulations applying to the construction of new elevators **and new ski lifts** shall not become effective until 6 months after the date they are adopted; ~~provided, however, that before.~~ **Before** any rules or regulations are adopted, a public hearing shall be held after suitable notice has been published in at least 3 daily newspapers within the State.’

Sec. 6. R. S., c. 30, § 119, amended. Section 119 of chapter 30 of the Revised Statutes is amended to read as follows :

‘Sec. 119. Powers of the commissioner and the supervising inspector. The commissioner shall be empowered to investigate all elevator **or ski lift** accidents which result in either a ~~lost time~~ **disabling** injury to a person or in damage to the installation.

Under the direction of the commissioner, the supervising inspector shall be empowered :

- I.** To enforce the laws of the State governing the use of elevators **and ski lifts** and to enforce adopted rules and regulations of the board ;
- II.** To have free access for himself and the state elevator inspectors at all reasonable times to any premises in the State where an elevator **or ski lift** is installed or is under construction for the purpose of ascertaining whether such elevator **or ski lift** is installed, operated, repaired or constructed in accordance with ~~the provisions of~~ sections 115 to 131 ;
- III.** To allocate and supervise the work of elevator **and ski lift** inspectors ;
- IV.** To keep a record of the type, dimensions, age, conditions and location and date of last inspection of all elevators **and ski lifts** to which sections 115 to 131 apply ;
- V.** To issue, suspend and revoke certificates allowing elevators **and ski lifts** to be operated ;
- VI.** To hold examinations, and to establish the fitness of applicants to become elevator **or ski lift** inspectors, and upon authorization by the board, to issue certificates of authority to those persons who have successfully passed such examinations and are approved by the board as authorized elevator **or ski lift** inspectors ;

VII. To publish and distribute among owners, lessees, elevator manufacturers, elevator repair companies and others requesting them, copies of the rules as adopted by the board.'

Sec. 7. R. S., c. 30, § 120, amended. The first paragraph of section 120 of chapter 30 of the Revised Statutes is amended to read as follows:

'In addition to any state elevator **or ski lift** inspector appointed under ~~the provisions of~~ section 118, the commissioner shall, upon the request of any company licensed to insure against loss from elevator **or ski lift** accident in this State, issue to any elevator **or ski lift** inspector of such company a certificate of authority as an authorized elevator **or ski lift** inspector, provided that each such inspector before receiving his certificate of authority shall pass satisfactorily the examination provided for in section 121 or in lieu of such examination shall hold a certificate as an inspector of elevators **or ski lifts** in a state that has a standard of examination equal to that in this State. The commissioner shall also upon request from any elevator company doing business in this State issue to any employee designated by the requesting company a certificate of authority as an authorized elevator inspector, provided ~~that~~ each such inspector before receiving his certificate of authority shall pass satisfactorily the examination provided for in section 121. An authorized inspector appointed under ~~the provisions of~~ this section shall receive no salary from the State and have no expenses paid by the State and continuance of such authorized inspector's certificate of authority shall be conditioned upon his continuing in employment as an elevator **or ski lift** inspector by such insurance company, or in employment by such elevator company, as the case may be, and upon his maintenance of the standards imposed by ~~the provisions of~~ sections 115 to 131. Such authorized inspectors shall inspect all elevators **or ski lifts** insured or maintained by their respective companies, and the owners or users of such elevators **or ski lifts** shall be exempt from the payment of the fees for the periodic inspections provided in section 125. Each company employing such an authorized inspector shall within 15 days following each legally required inspection made by an authorized inspector file a report of such inspection with the supervising inspector.'

Sec. 8. R. S., c. 30, § 122, amended. Section 122 of chapter 30 of the Revised Statutes is amended to read as follows:

'**Sec. 122. Inspection of elevators and ski lifts.** Each elevator proposed to be used within this State shall be thoroughly inspected by either the supervising inspector, a state elevator inspector or an authorized elevator inspector, and **each ski lift proposed to be used in this State shall be thoroughly inspected by either the supervising inspector, a state ski lift inspector or an authorized ski lift inspector,** and if found to conform to the rules of the board, upon payment of the inspection fee where required and a registration fee of \$2 per year by the owner or user of such elevator **or ski lift** to the **supervising** inspector, the latter shall issue to such owner or user an inspection certificate. **However, before an inspection certificate is issued for a ski lift, the owner or operator thereof must also file with the supervising inspector a certificate of public liability insurance on the ski lift, certifying the coverage and limits for such as prescribed by the board.** ~~He~~ **The inspector shall specify on the inspection certificate the maximum load to which such conveyance shall be subjected, the date of its is-**

suance and the date of ~~its~~ expiration. ~~Such~~ **The elevator** inspection certificate shall be posted in the elevator. **The inspection certificate for ski lifts shall be posted in the driving machine room or shall be attached to the driving machine in a suitable container.**

To maintain a certificate in force, either a state elevator inspector or an authorized elevator inspector shall inspect every passenger elevator periodically every 6th ~~calendar~~ month and every freight elevator every 12th ~~calendar~~ month following the month in which the initial inspection has been made ~~provided that any~~. **Every ski lift shall be inspected by a state ski lift inspector or by an authorized ski lift inspector every 12th month following the month in which the initial inspection has been made.** Any ~~such~~ inspection ~~so required~~ of either a passenger elevator ~~or~~, freight elevator, ~~or ski lift~~ may be made within the first 15 days of the month following the ~~calendar~~ month during which such inspection is due.

The supervising inspector or state elevator ~~or ski lift~~ inspector may at any time suspend an inspection certificate when in his opinion the conveyance is found not to comply with the rules ~~herein~~ provided for. Such suspension of an inspection certificate shall continue in effect until said elevator ~~or ski lift~~ shall be made to conform to the rules of the board and until said inspection certificate shall be reinstated by the person suspending it or by the supervising inspector. Any inspector suspending a certificate shall notify the supervising inspector immediately.

Whenever upon inspection, an inspector finds that an elevator ~~or ski lift~~ is unsafe and creates a menace to public safety, he shall promptly make the facts known to the supervising inspector or a state elevator ~~or ski lift~~ inspector, who may order the conveyance out of service immediately, post or direct the posting of a red card of condemnation at every entrance ~~to the conveyance thereof~~, and shall notify in writing the owner or lessee of the building in which the elevator is located ~~or the owner or operator of the ski lift~~. The condemnation card shall be a warning to the public and shall be of such type and dimensions as the board shall determine.

The condemnation card may be removed only by the inspector posting it or by the supervising inspector. Any other person removing or defacing such card shall be punished by a fine of not more than \$100, or by imprisonment for not more than 3 months, or by both ~~such fine and imprisonment~~.

If upon inspection an elevator ~~or ski lift~~ is, in the opinion of the inspector, found to be in reasonably safe condition but not in full compliance with the rules and regulations of the board, the elevator ~~or ski lift~~ inspector shall certify to the supervising inspector his findings and said supervising inspector may issue a special certificate, the same to be posted as required in this section. This certificate shall set forth any special conditions under which the conveyance may be operated.'

Sec. 9. R. S., c. 30, § 123, amended. Section 123 of chapter 30 of the Revised Statutes is amended to read as follows:

Sec. 123. Inspection certificate required. From a date 90 days after the rules and regulations are adopted by the board, it shall be unlawful for a firm, person, partnership, association or corporation to operate any elevator or ski lift covered by sections 115 to 131, without a valid inspection certificate attached thereto. The operation of any elevator or ski lift without inspection certificate displayed shall constitute a misdemeanor by the owner, lessee or the agent thereof and he shall be punished by a fine of not more than \$50, or by imprisonment for not more than 30 days, or by both ~~such fine and imprisonment.~~

Sec. 10. R. S., c. 30, § 125, amended. Section 125 of chapter 30 of the Revised Statutes is amended to read as follows :

Sec. 125. Rules governing new installations of elevators and ski lifts. Detailed plans or specifications of each new or altered elevator or ski lift shall be submitted to and approved by the supervising inspector before the construction of ~~the same such elevator or ski lift~~ may be started. Fees for examination of such plans or specifications shall be \$1 per thousand of the valuation of the elevator or ski lift as covered by the ~~blueprints~~ **plans or specifications submitted; provided, however. The** minimum fee shall be not less than \$5 and the maximum fee shall not be more than \$25.

The initial inspection of each new or altered elevator shall be made by the supervising inspector or a state elevator inspector and the fee for such initial inspection of ~~each new or altered elevator~~ shall be ~~\$10~~ \$25. ~~Fees~~ The fee for each required periodic inspection of an elevator subsequent to the initial inspection shall be ~~\$6~~ \$10 when such inspection is made by the supervising inspector or by a state elevator inspector.

The initial inspection of each new or altered ski lift shall be made by the supervising inspector or by a state ski lift inspector. The fee for such initial inspection shall be \$25 for each rope tow; \$50 for each J-bar, T-bar or platter pull installation; and \$75 for each aerial passenger tramway, ski train or chair lift installation. When made by the supervising inspector or a state ski lift inspector, the fee for each required periodic inspection of a ski lift subsequent to the initial inspection shall be \$15 for each rope tow; \$35 for each J-bar, T-bar or platter pull installation; and \$50 for each aerial passenger tramway, ski train or chair lift installation.

Elevator and ski lift inspectors shall give receipts for all fees and all sums received. They shall pay the same to the supervising inspector who shall deposit said sums with the Treasurer of State, to be credited to the department to be used solely to defray the expenses of such investigations and inspections, and are appropriated for such purposes. The commissioner may incur such expense as may be necessary to carry out his duties in investigating and inspecting or causing to be investigated or inspected such elevators and ski lifts to which sections 115 to 131 apply.

Sec. 11. R. S., c. 30, § 128, amended. Section 128 of chapter 30 of the Revised Statutes is amended to read as follows :

Sec. 128. Filing of inspection reports. In case an elevator or ski lift is inspected by an authorized elevator or ski lift inspector of a duly accredited

insurance company which is the primary insurer ~~of the conveyance thereof~~ and which is licensed to do business in this State, a copy of the record of each inspection of such elevator **or ski lift** as required by sections 115 to 131 shall be filed by the insurance company with the supervising inspector within 15 days of said inspection.

In case an insurance company **or the insured** cancels insurance upon any elevator **or ski lift** or the policy expires and is not renewed, notice **thereof by the insurance company** shall immediately be given to the supervising inspector. An insurance company shall likewise notify the supervising inspector immediately upon placing of insurance upon an elevator **or ski lift.**'

Sec. 12. R. S., c. 30, § 129, amended. Section 129 of chapter 30 of the Revised Statutes is amended to read as follows:

'Sec. 129. Condemned conveyances not to be operated. No elevator **or ski lift** which has been condemned under ~~the provisions of~~ section 122 shall be operated in this State. Whoever owns or operates or causes to be operated for other than repair or corrective purposes such elevator **or ski lift** in violation of ~~the provisions of~~ this section shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both ~~such fine and imprisonment.~~'

Sec. 13. R. S., c. 30, § 130, amended. Section 130 of chapter 30 of the Revised Statutes is amended to read as follows:

'Sec. 130. Commissioner to be notified immediately whenever an elevator or ski lift accident occurs. Each elevator **or ski lift** accident or hoistway collision caused by equipment failure, resulting in a ~~lost time disabling~~ injury to a person or in substantial damage to the equipment shall:

I. Be reported by owner or lessee within 48 hours of its occurrence to the supervising inspector, and

II. The inspection certificate for the involved elevator **or ski lift** shall be summarily revoked until the supervising inspector or a state or authorized elevator **or ski lift** inspector directed to do so by him shall have inspected **said elevator or ski lift and the inspection certificate for** the conveyance ~~or~~ shall have again **been made valid** ~~its inspection certificate.~~'

Sec. 14. R. S., c. 30, § 131, amended. Section 131 of chapter 30 of the Revised Statutes is amended to read as follows:

'Sec. 131. Commissioner may examine into cause and origin of all accidents. The commissioner may, whenever he deems it expedient or advisable, examine or cause to be examined the cause, circumstances and origin of all elevator **and ski lift** accidents within the State, of which he has knowledge. Upon request he shall furnish to the proper county attorney the names of witnesses and all information obtained by him.'