

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

approved by the board and be consistent with and equivalent to standards set by the appraisal foundation, whether these courses of study are conducted by an accredited university, college, technical college, junior college or other group;

**Sec. 36. 32 MRSA §13981, sub-§2,** as enacted by PL 1989, c. 806, §3, is amended to read:

**2. Continuing education.** As a prerequisite to renewal of a license, applicants must have completed 20 clock hours of the minimum requirement for continuing education as set by the appraisal qualification board of the appraisal foundation within 2 years prior to the date of application for renewal in programs or courses approved by the board. For purposes of this section, the board may establish, by rule, a core educational requirement.

**Sec. 37. Reporting date.** The Board of Dental Examiners shall review the feasibility of independent practice for denturists and report its recommendations to the Joint Standing Committee on Business and Economic Development by February 1, 1996.

**Sec. 38. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1995-96	1996-97
<b>PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF</b>		
<b>State Board of Substance Abuse Counselors</b>		
Personal Services	\$3,465	\$4,620
All Other	1,650	2,200
<b>TOTAL</b>	<u>\$5,115</u>	<u>\$6,820</u>
Provides additional allocations to cover the costs of paying per diem and expenses for board members.		

See title page for effective date.

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**CHAPTER 354**

**H.P. 862 - L.D. 1193**

**An Act to Expand Elevator and Tramway Inspection Services**

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

**Sec. 1. 26 MRSA §476, first ¶,** as amended by PL 1977, c. 694, §456, is further amended to read:

The board shall formulate reasonable rules for the safe and proper construction, installation, alteration, repair, use, operation and inspection of elevators and tramways in the State. The rules must include standards for the review and audit of inspections performed by elevator inspectors not employed by the State. The rules ~~shall~~ must be adopted pursuant to Title 5, section 8051 et seq., and ~~shall~~ must conform as near as practicable to the established standards as approved by the American National Standards Institute. Such rules ~~shall~~ may not become effective sooner than 90 days after the date they are adopted, except that rules applying to the construction of new elevators and tramways ~~shall~~ may not become effective sooner than 6 months after the date they are adopted.

**Sec. 2. 26 MRSA §478,** as enacted by PL 1977, c. 543, §4, is amended to read:

**§478. Examination of elevator inspectors**

Examination for ~~the state~~ elevator inspectors ~~shall~~ must be given by the supervising inspector or by 2 or more examiners ~~to be~~ appointed by the supervising inspector. The board shall set the standards necessary to sit for the examination. The examination fee is set by the board and may not exceed \$100. ~~Such~~ The examination must be written in part or in whole, 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 grade throughout the State. In case an applicant fails to pass this examination, ~~he~~ the applicant may appeal to the board for a 2nd examination within 90 days of notification of ~~his~~ the applicant's failure to pass and ~~such~~ the 2nd examination ~~shall~~ must be given by the board or by examiners other than those by whom the first examination was given. Upon the result of this 2nd examination, the board shall determine whether or not the applicant is qualified.

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

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

An elevator inspector's license expires on the 3rd anniversary date of the original issue. The license fee must be set by the board and may not exceed \$300.

The license may be renewed for a period of 3 years without further examination if a renewal fee in an amount set by the board, not to exceed \$300, is paid and during that period the licensee has worked as an elevator inspector.

**Sec. 3. 26 MRSA §479, sub-§5, ¶D** is enacted to read:

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

**Sec. 4. 26 MRSA §480**, as amended by PL 1977, c. 694, §457, is further amended to read:

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

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

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

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

**Sec. 5. 26 MRSA §485-A** is enacted to read:

**§485-A. Inspector endorsement to elevator mechanic's license**

An elevator mechanic may inspect elevators as long as the mechanic has obtained an inspection endorsement to the mechanic's license. The board shall establish rules to qualify and examine mechanics to conduct elevator inspections. The board shall set an examination fee which may not exceed the inspector's examination fee and shall set endorsement and endorsement renewal fees which may not exceed 1/3 of the inspector's license and renewal fees.

**Sec. 6. 26 MRSA §490-A**, as amended by PL 1989, c. 590, §8, is further amended to read:

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

Each elevator or tramway proposed to be used within this State ~~shall~~ must be thoroughly inspected by either the supervising inspector, a state inspector or a licensed inspector, and if found to conform to the rules

of the board, the board shall issue to the owner or user an inspection certificate. Fees for inspection and certification of elevators and tramways ~~shall~~ must be set by the board pursuant to section 490-E, and ~~shall~~ must be paid by the owner or user of the elevator or tramway. The certificate ~~shall~~ must specify the maximum load to which the conveyance ~~shall~~ may be subjected, the date of its issuance and the date of its expiration. Elevator certificates ~~shall~~ must be posted in the elevator and the tramway certificate at a conspicuous place in the machine area.

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

The supervising inspector or state inspector may, when in ~~his~~ the inspector's opinion the conveyance ~~may~~ can not continue to be operated without menace to the public safety, temporarily suspend an inspection certificate in accordance with Title 5, section 10004 and post or direct the posting of a red card of condemnation at every entrance to the conveyance. The condemnation card ~~shall be~~ is a warning to the public and ~~shall~~ must be of such type and dimensions as the board ~~shall determine~~ determines. The suspension ~~shall continue~~ continues pending decision on any application with the Administrative Court for a further suspension.

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~~ is subject to a fine of not more than ~~\$50~~ \$500.

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

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

All ~~followup~~ follow-up inspections necessary to enforce compliance ~~shall~~ must be performed by either the supervising inspector or a state inspector. A fee as

set forth in section 490-E ~~shall~~ must be charged for those follow-up inspections.

**Sec. 7. 26 MRSA §490-E**, as amended by PL 1989, c. 590, §10, is further amended to read:

**§490-E. Inspection fees**

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

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

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

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

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

When a tramway or elevator inspection has been made by a licensed ~~tramway~~ inspector, the inspector shall submit the inspection fee to the board along with an inspection report.

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

**Sec. 8. 26 MRSA §490-F**, as enacted by PL 1977, c. 543, §4, is amended to read:

**§490-F. Reports by inspectors**

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

See title page for effective date.

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**CHAPTER 355**

**S.P. 475 - L.D. 1271**

**An Act to Revise and Add to the Laws Regulating the Practice of Professional Engineering**

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

**Sec. 1. 32 MRSA §1251, sub-§§2 and 4** are amended to read:

**2. Engineer-intern.** The term "~~engineer-in-training~~ engineer-intern" ~~shall mean~~ means a person who has been certified as such by the board and whose name has been entered in the register of ~~engineer-in-training~~ engineer-interns.

**4. Professional engineer.** The term "professional engineer" ~~shall mean~~ means a person who, by reason of ~~his~~ a knowledge of mathematics, the physical sciences and the principles of engineering, acquired by professional education and practical experience, is qualified to engage in engineering practice as defined.

**Sec. 2. 32 MRSA §1255, sub-§1**, as amended by PL 1991, c. 442, §2, is further amended to read:

**1. Limited practice by nonresident.** A person not a resident of and not having established a place of business in this State, practicing or offering to practice the profession of engineering when such practice does not exceed more than 30 consecutive days in any calendar year, ~~provided such~~ if the person is legally qualified by registration to practice the profession in that person's own state or county in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this chapter. To practice under this section, the person must apply in writing and receive authorization from the chair of the board.

**Sec. 3. 32 MRSA §1255, sub-§§2 and 3** are amended to read:

**2. Nonresident becoming resident.** A person not a resident of and ~~not~~ not having ~~no~~ no established a place of business in this State, or who has recently become a resident ~~thereof~~ of this State, practicing or offering to practice ~~herein~~ in the State for more than 30 days in any calendar year the profession of engineering, ~~if he~~ shall have and having filed with the board an application for a certificate of registration and ~~shall have~~ having paid the fee required by this chapter. ~~Such~~ The exemption ~~shall continue~~ continues only for such time as the board requires for the consideration of the application for registration, ~~provided such a~~ if the