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Report of the Commissioner of Professional and Financial Regulation

To the

**Joint Standing Committee on
Innovation, Development, Economic Advancement
and Business**

**Resolve, To Require Professional Licensure for Crane
Operators**

Submitted Pursuant to Resolve 2019, c. 75

January 10, 2020

Resolve, To Require Professional Licensure for Crane Operators
Resolve 2019, c. 75
Sunrise Review

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Resolve, To Require Professional Licensure for Crane Operators
Resolve 2019, c. 75
Sunrise Review

Sunrise Review: Overview

The Maine Legislature established the Sunrise Review process to determine whether a proposed regulation, or expansion of regulation, of a certain profession or occupation is necessary ***to protect the health, safety and welfare of the public***. The rationale underlying Sunrise Review is that the State of Maine should only impose regulation when necessary to protect Maine people from harm, and then, impose only the minimum level of regulation to ensure public health and safety.

A Sunrise Review also seeks to identify the potential impact of proposed regulation on the availability and cost of services to consumers. State regulation through licensing should not be used to create unnecessary barriers of entry to a profession that could limit consumer access to services or increase their cost or for other economic purposes.

The Sunrise Review process is set forth in Maine law 5 MRS §12015 (3), which requires the committee of jurisdiction to take one of three steps to obtain relevant information about any proposal to create or expand a regulatory program. The committee steps include:

- A. Holding a public hearing to specifically address the Sunrise Review evaluation criteria contained in Title 32, section 60-J;
- B. Requesting the Commissioner of the Department of Professional and Financial Regulation (“Commissioner” and “DPFR”) to perform an “independent assessment” of survey responses to the evaluation criteria from the group proposing regulation or expansion of regulation, as well as from opponents and other interested parties; or
- C. Requesting the Commissioner of DPFR to create a technical committee to assess responses to the evaluation criteria from the parties referenced above.

Steps B and C above require the Commissioner to report findings and recommendations to the committee. The committee may also consider information outside of the Commissioner’s findings and report. After the committee reviews the Commissioner’s report, along with any additional material it wishes to consider, it may move forward with legislation to regulate the occupation/profession or decline to do so. The committee is not bound to accept the Commissioner’s recommendations.

If the committee concludes that state regulation is warranted, the committee drafts legislation for consideration by the full legislature. According to Title 5, the committee’s recommendation must include “a written statement describing the manner in which the assessment of answers to the evaluation criteria was conducted and a concise summary of the evaluation.” (Title 5 §12015).

Charge from the Legislature

During the First Regular Session of the 129th Maine Legislature, Representative Scott Cuddy introduced LD 904 which would have required heavy equipment operators to be licensed in Maine. Following a public hearing and two work sessions before the Joint Standing Committee on Innovation, Development, Economic Advancement and Business (the “Committee”), the bill was re-titled and redrafted to narrow its scope to address only the issue of licensure of operators of cranes used in construction, demolition or excavation.

Resolve c. 75 is attached as *Appendix A*.

Sunrise Evaluation Criteria

Resolve c.75 requires the Commissioner to conduct an independent assessment pursuant to Title 5, section 12015, subsection 3, of responses to evaluation criteria set forth in the statute. It is customary for the Commissioner to request and consider responses to an evaluation criteria survey from proponents of proposed regulation, as well as opponents and any interested party.

Title 32, section 60-J establishes thirteen evaluation criteria which must be addressed by the applicant group or individual proposing regulation. Opponents and other interested parties are asked to address the same criteria, although responses to all criteria are not required. A list of the Sunrise evaluation criteria is attached as *Appendix B*.

The Process

Following enactment of Resolve c.75, the Commissioner prepared a survey instrument based on statutory evaluation criteria and distributed it on August 12, 2019. The distribution list included groups and individuals who provided public testimony on the original bill and other groups and individuals who had expressed an interest in participating in the survey process. The Commissioner encouraged those receiving the survey to distribute copies to any other groups or individuals who might wish to be heard and/or submit relevant information. The survey and cover letter are attached as *Appendix C*.

Fifty-one responses were submitted to the Department by crane operators, employers of crane operators, and others with an interest in the subject matter. Information submitted by survey responders and public hearing testimony on LD 904 has been considered in the course of developing this Sunrise Report.

The survey responses on Resolve c. 75 and public hearing testimony on LD 904 are posted on the Commissioner’s website at this link <https://www.maine.gov/pfr/legal/legislative-reports#professional> and attached as *Appendix D*.

The Commissioner also undertook independent research on federal laws governing crane operators and their employers. The federal government currently regulates crane operators through the Occupational Safety and Health Administration (“OSHA”) Regulatory Program for

Employers and Crane Operators. All Maine employers of crane operators are subject to the OSHA training, certification and qualification rules that have the force of federal law.

Federal Rules and Regulations Governing Crane Operators – OSHA

By way of background, OSHA was established within the US Department of Labor in 1971 to address the increasing number of worker injuries in the absence of workplace safety standards. OSHA's mission is to improve the health and safety of working conditions and to ensure all employees are aware of their rights. Underlying OSHA's rulemaking authority to set and enforce safety standards is the principle that legal responsibility for providing safe working conditions falls on *employers*.

OSHA's initial rules on cranes was implemented in 1971 – the same year the agency was established. The rules and regulations have since been modernized and updated.

Current OSHA rules require crane operators to be trained and certified and then formally evaluated, in writing, by their employer. These requirements underscore the *permanent legal responsibility* of employers to employ only nationally certified crane operators and to document, through ongoing written evaluation, that their employee crane operators are *qualified* to perform their duties. Crane operators are either trained by their employers or through a formal education program. The crane operator must then become certified by an approved accrediting agency. The employer has a duty to formally evaluate their crane operator employee and maintain the evaluation documentation. While certification is necessary to examine an operator's knowledge, an employer is in the best position to evaluate and assess an operator's ability to make sound decisions and foresee and avoid hazards at the worksite.

For more detailed information on OSHA crane operator regulations, please see 29 CFR 1926 Sub-Part CC 1926.1401-1926.1442 (<https://www.osha.gov/laws-regs/regulations/standardnumber/1926/1926.1427>) attached in *Appendix E*.

Discussion and Analysis

Sunrise Criterion #1: Data on Group *A description of the professional or occupational group proposed for regulation or expansion of regulation, including the number of individuals or business entities that would be subject to regulation, the names and addresses of associations, organizations and other groups representing the practitioners and an estimate of the number of practitioners in each group;*

Research staff of the Center for Workforce, Research and Information within the Maine Department of Labor estimated, based on current 2018 employment estimates, that as of October 24, 2019, there were 320 crane operators employed in Maine. Given the statistical standard of error, the actual employment numbers are likely between 257 and 383 (using a 95% confidence interval).

Department Analysis: Based on the information above, the number of crane operators in Maine is likely between 257 and 383.

Sunrise Criterion #2: Specialized Skill *Whether practice of the profession or occupation proposed for regulation or expansion of regulation requires such a specialized skill that the public is not qualified to select a competent practitioner without assurances that minimum qualifications have been met;*

A crane operator uses specialized equipment to move and place large and heavy materials vertically and horizontally. Most crane operators are employed in the construction, mining or shipping industries and typically work with materials such as beams, trusses, excavated earth and shipping containers.

Department Analysis: Crane operators must possess specialized skills and abilities demonstrated through education, certification and qualification and field experience. Those skills and abilities are so specialized that they cannot be evaluated by the public at large. However, employers of crane operators are required by OSHA to understand the skills and abilities needed to ensure safe crane operation and comply with OSHA rules.

Sunrise Criterion #3: Public Health, Safety and Welfare *The nature and extent of potential and actual harm to the public if the profession or occupation is not regulated, the extent to which there is a threat to the public's health, safety or welfare and production of evidence of potential harm, including a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, other professional or occupational boards or private lodged against practitioners of the profession or occupation in this State within the past 5 years;*

Cranes used in construction, regardless of type and lift capacity, are inherently dangerous pieces of equipment and have the potential to inflict great physical harm on individuals who operate and work near them, and on members of the public.

Nine fatal accidents involving cranes have occurred in Maine in the past 23 years, according to Occupational Safety and Health Administration records (<https://www.osha.gov/fatalities>). Nationally, there were 33 crane-related work fatalities in one year—2017. (<https://www.bls.gov/iif/oshwc/cfoi/cranes-2017.htm>).

Department Analysis: A showing of actual harm to the public at large in the absence of state regulation is central to determining whether state regulation is an appropriate use of a state's police power to safeguard its citizens. Crane operators and their employers agree that this is a dangerous occupation.

In Maine, there have been 9 crane related fatalities in the past 23 years. Nationally, there were 33 crane related fatalities in 2017.

Sunrise Criteria #4: Voluntary and past regulatory efforts *A description of the voluntary efforts made by practitioners of the profession or occupation to protect the public through self-regulation, private certifications, membership in professional or occupational associations or academic credentials and a statement of why these efforts are inadequate to protect the public;*

The National Commission for the Certification of Crane Operators is an independent, nonprofit organization formed in 1995 to develop effective performance standards for safe crane operations. In May 2009, the Occupational Safety and Health Administration and the NCCCO signed a formal agreement whereby OSHA officially recognized NCCCO certification as meeting operator qualification requirements of OSHA. NCCCO's certification program is accredited by the American Society of Mechanical Engineers and by the National Commission for Certifying Agencies (NCCA), the highest level of accreditation.

Since 2009, other accredited certification organizations have formed to meet the need for independent third-party certification of crane operators. Certification by an independent and accredited third party is considered to be the most effective approach to crane safety. In addition to NCCCO, the National Center for Construction Education and Research (NCCER), and the Operating Engineers Certification Program (OECF) have been accepted by OSHA as accredited third-party crane operator certification organizations. These organizations are vetted and qualified by the American National Standards Institute (ANSI). ANSI has been recognized as an approved accreditor of crane operator certification programs by the Occupational Safety and Health Administration (OSHA).

Department Analysis: Although there may have been optional or voluntary certification programs available prior to 1971, OSHA's certification rule made crane operator certification mandatory. Today there is a mandatory process for certification provided by the National Commission for the Certification of Crane Operators (NCCCO), an independent, nonprofit organization formed in 1995 to develop effective performance standards for safe crane operations. In May 2009, the Occupational Safety and Health Administration and the NCCCO signed a formal agreement whereby OSHA officially recognized NCCCO certification as meeting operator qualification requirements of OSHA and the American Society of Mechanical Engineers. There are several other accredited organizations that provide crane operator certification. Some responders noted that the separation of training from certification is important for ensuring that the certification process is objective.

Sunrise Criterion #5: Cost; benefit *The extent to which regulation or expansion of regulation of the profession or occupation will increase the cost of goods or services provided by practitioners and the overall cost-effectiveness and economic impact of the proposed regulation, including the indirect costs to consumers;*

Comments on this criterion were varied. Some commenters stated that the cost of state regulation would likely increase the cost of crane services and other commenters indicated that the cost of state regulation might not increase consumer costs. Survey responses and public testimony are available in Appendix D.

Department Analysis: When a state imposes new license requirements on individuals who have not previously been the subject of state regulation, two trends can be anticipated. First, the number of available service providers will likely decrease. Crane operators who cannot afford, for whatever reason, to comply with newly imposed license requirements may leave the occupation. Second, the cost of hiring licensed crane operators will likely increase if the availability of licensed crane operators decreases. New overhead costs associated with state regulation are likely passed on to consumers.

OSHA regulation of crane operators requires employers to pay for employee training and certification. The cost of state licensing may or may not be borne by individual crane operators and increased costs of a state licensing program are typically passed on to consumers.

Sunrise Criterion #6: Service availability of regulation *The extent to which regulation or expansion of regulation of the profession or occupation would increase or decrease the availability of services to the public; (See analysis of Criterion #5)*

Sunrise Criterion #7: Existing laws and regulations *The extent to which existing legal remedies are inadequate to prevent or redress the kinds of harm potentially resulting from nonregulation and whether regulation can be provided through an existing state agency or in conjunction with presently regulated practitioners;*

Individuals injured by a crane operator potentially have a range of civil or criminal legal remedies depending on the injury and operator intent. They have a legal right to sue for damages to themselves or their property. In addition, OSHA can impose significant penalties on a business who does not comply with OSHA rules.

Department Analysis: Maine employers of crane operators are subject to the OSHA training, certification and qualification rules that have the force of federal law. Crane operator certification and documented employer qualification of the operator are necessary and required by OSHA to assess competence and qualifications of a crane operator. OSHA compliance officers have federal authority to inspect worksites without advance notice, issue citations to employers for non-compliance and investigate workplace injuries that may result in civil or criminal action against employers. OSHA can also impose monetary penalties.

State regulatory bodies established to regulate professions and occupations typically do not have statutory authority to order restitution.

Sunrise Criterion # 8: Method of regulation *Why registration, certification, license to use the title, license to practice or another type of regulation is being proposed, why that regulatory alternative was chosen and whether the proposed method of regulation is appropriate;*

The Sunrise Review process is intended as a balanced analysis of the potential benefits and potential drawbacks of any proposed regulation. In an effort to be responsive to the statutory requirement of a balanced analysis, this review does not presuppose licensure. The

Commissioner cannot speak for the proponents of licensure as to why licensure was the chosen regulatory alternative. The proponents' testimony and responses to the Commissioner's survey is attached as *Appendix D*.

Department Analysis: OSHA has imposed the following requirements: all crane operators must pass a written and practical exam provided by a certification organization; the certifying organization must be accredited; and employers of crane operators must undertake documented evaluations of the employee/crane operator specific to the crane they will be operating.

Sunrise Criterion #9: Other states *A list of other states that regulate the profession or occupation, the type of regulation, copies of other states' laws and available evidence from those states of the effect of regulation on the profession or occupation in terms of a before-and-after analysis;*

According to NCCCO, 16 states license crane operators: California, Connecticut, Hawaii, Maryland, Massachusetts, Minnesota, Montana, Nevada, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island, Utah, Washington, and West Virginia. Thirty-four states do not license crane operators

Department Analysis: Many of the states that require crane operators to be licensed established their licensing programs before the final adoption and implementation of OSHA standards. The states with licensure programs have now incorporated OSHA standards and certification requirements into their licensing programs. In those states with state licensure, employers are subject to OSHA sanctions and individual crane operators are subject to a range of discipline by the state licensing entity.

Sunrise Criterion #10: Previous efforts *The details of any previous efforts in this State to implement regulation of the profession or occupation;*

Department Analysis: No previous efforts to regulate crane operators were identified.

Sunrise Criterion #11: Mandated benefits (not applicable)

Sunrise Criterion #12: Minimal competence *Whether the proposed requirements for regulation exceed the standards of minimal competence and what those standards are;*

Department Analysis: Any proposed requirements for state regulation would be required to be at least as effective as established federal OSHA standards and rules governing crane operators and their employers.

Sunrise Criterion #13: Financial Analysis *The method proposed to finance the proposed regulation and financial data pertaining to whether the proposed regulation can be reasonably financed by current or proposed licensees through dedicated revenue mechanisms.*

Department Analysis: It would be premature to attempt to analyze financing methods. The details of a potential state program, the type and breadth of state regulation, the size of the licensing pool and the location of such a program in state government would determine the costs associated with state regulation. Licensing costs are borne by the regulated professionals. The smaller the pool, the greater the cost per professional. A pool of 257-383 crane operators would be considered a fairly small pool and the costs of licensure per licensee would be higher than some other licensed professionals.

Observation:

Cranes used in the construction industry can pose a threat to the safety of crane operators, construction workers and the public. To protect the public, crane operators must be trained, examined and qualified to operate cranes.

The question for the Committee is whether, as a matter of public policy, the public is protected by OSHA regulations or if additional state regulation is necessary.

Appendix A

Resolve c. 75, Directing the Commissioner of Professional and Financial Regulation to Conduct a Sunrise Review Regarding the Proposal to License Operators of Cranes

Sec. 1. Commissioner of Professional and Financial Regulation to conduct a sunrise review regarding the proposal to license operators of cranes. Resolved: That the Commissioner of Professional and Financial Regulation shall conduct an independent assessment pursuant to the sunrise review requirements in the Maine Revised Statutes, Title 32, chapter 1-A, subchapter 2 of the proposal to license operators of cranes. For the purpose of this resolve, "crane" means a piece of power-operated equipment that can hoist, lower and horizontally move a suspended load.

Sec. 2. Requirements. Resolved: That, in conducting the sunrise review required by section 1, the Commissioner of Professional and Financial Regulation shall consider:

1. *Limiting licensure requirements to operators of cranes:*
 - A. *That are used in construction, demolition or excavation work;*
That are used at construction sites of projects that involve work on structures over an established height; and
That have lifting capacity that reaches or exceeds set limits;
2. *A requirement that an applicant for licensure as an operator of a crane possess an active, unrestricted Maine driver's license and a certification of medical fitness;*
3. *A requirement for a written and practical examination for licensure as an operator of a crane that incorporates nationally recognized certifications, federal guidelines or national industry guidelines pertaining to the operation of heavy equipment, including the United States Department of Labor, Occupational Safety and Health Administration and American National Standards Institute standards or American Society of Mechanical Engineers guidelines; and*
4. *A pathway to license recognition for an individual possessing a crane operator license, or the equivalent, in another state or a United States territory.*

Sec. 3 Reporting date established. Resolved: That, no later than January 10, 2020, the Commissioner of Professional and Financial Regulation shall submit a report with any necessary legislation following the independent assessment under section 1 to the Joint Standing Committee on Innovation, Development, Economic Advancement and Business. The committee is authorized to submit legislation on the subject matter of the report to the Second Regular Session of the 129th Legislature.

Appendix B
Sunrise Evaluation Criteria

1: Data on Group. A description of the professional or occupational group proposed for regulation or expansion of regulation, including the number of individuals or business entities that would be subject to regulation, the names and addresses of associations, organizations and other groups representing the practitioners and an estimate of the number of practitioners in each group;

2: Specialized skill. Whether practice of the profession or occupation proposed for regulation or expansion of regulation requires such a specialized skill that the public is not qualified to select a competent practitioner without assurances that minimum qualifications have been met;

3: Public health; safety; welfare. The nature and extent of potential and actual harm to the public if the profession or occupation is not regulated, the extent to which there is a threat to the public's health, safety or welfare and production of evidence of potential harm, including a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, other professional or occupational boards or private lodged against practitioners of the profession or occupation in this State within the past 5 years;

4: Voluntary and past regulatory efforts. A description of the voluntary efforts made by practitioners of the profession or occupation to protect the public through self-regulation, private certifications, membership in professional or occupational associations or academic credentials and a statement of why these efforts are inadequate to protect the public;

5: Cost; benefit. The extent to which regulation or expansion of regulation of the profession or occupation will increase the cost of goods or services provided by practitioners and the overall cost-effectiveness and economic impact of the proposed regulation, including the indirect costs to consumers;

6: Service availability of regulation. The extent to which regulation or expansion of regulation of the profession or occupation would increase or decrease the availability of services to the public;

7: Existing laws and regulations. The extent to which existing legal remedies are inadequate to prevent or redress the kinds of harm potentially resulting from nonregulation and whether regulation can be provided through an existing state agency or in conjunction with presently regulated practitioners;

8: Method of regulation. Why registration, certification, license to use the title, license to practice or another type of regulation is being proposed, why that regulatory alternative was chosen and whether the proposed method of regulation is appropriate;

9: Other states. A list of other states that regulate the profession or occupation, the type of regulation, copies of other states' laws and available evidence from those states of the effect of regulation on the profession or occupation in terms of a before-and-after analysis;

10: Previous efforts. The details of any previous efforts in this State to implement regulation of the profession or occupation;

11: Mandated benefits. Not applicable.

12: Minimal competence. Whether the proposed requirements for regulation exceed the standards of minimal competence and what those standards are; and

13: Financial analysis. The method proposed to finance the proposed regulation and financial data pertaining to whether the proposed regulation can be reasonably financed by current or proposed licensees through dedicated revenue mechanisms.

Appendix C
Sunrise Survey and Cover Letter



Request for Information from Interested Parties:

Sunrise Review for Resolve c. 75

“Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Operators of Cranes”

Department of Professional and Financial Regulation

Office of the Commissioner

August 12, 2019

Sunrise Review Survey: Regulation of Crane Operators in Maine
Pursuant to 2019 Resolve c. 75

Please return the completed survey to Melissa Hinkley, Commissioner's Office, Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333-0035 or by email to Melissa.A.Hinkley@maine.gov by September 30, 2019.

General Information:

Completed by:

Title or Occupation:

Organization Represented: (if applicable)

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?
2. Please describe the minimum skills, knowledge and training that a crane operator should possess.
3. What standards should be used to measure the competency of a crane operator? Why?
4. What operation and safety standards apply to crane operators?
5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

6. Is the public in jeopardy in the absence of state regulation of crane operators?
7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.
8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?
9. Has your company adopted mandatory OSHA standards for crane operators?
10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?
11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?
12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?
13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?
14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.

August 22, 2019

<FIRSTNAME> <LASTNAME>
<ADDRESSLINE1>
<ADDRESSLINE2>
<CITY> <STATE> <ZIP>

SENT VIA ELECTRONIC MAIL TO: <EMAILADDRESS>

Re: Sunrise Review Process for Ch. 75

Dear <TITLE> <LASTNAME>:

The Joint Standing Committee on Innovation, Development, Economic Advancement and Business has directed the Department of Professional and Financial Regulation to conduct a sunrise review regarding Ch.75 *“Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Operators of Cranes.”*

Pursuant to 5 MRSA § 12015 sunrise review must be undertaken whenever proposed legislation would license or otherwise regulate an occupation or profession that is not currently regulated or would substantially expand the regulation of a currently regulated occupation or profession. The process seeks to determine whether such regulation is necessary or appropriate to protect the public.

Importantly, a fundamental consideration within the sunrise process is whether public health and safety is jeopardized by the absence of regulation. It is essential for proponents of new or expanded regulation to address that question. A copy of the relevant Maine statutes that provide for sunrise review are enclosed for your reference.

Specifically, sunrise review requires the Department to evaluate the responses of the proponents of new or expanded regulation to the information criteria set forth in 32 MRSA § 60-J. Other interested individuals or organizations may also participate by responding to the survey questions to allow the Department to access a broad range of information and all points of view.

This letter is intended to notify organizations and individuals who have expressed interest in this study of the Department’s intent to begin the sunrise review requested by the Innovation, Development, Economic Advancement and Business Committee pursuant to Resolve Ch. 75. It is our intention to conduct the sunrise review process and develop a comprehensive sunrise report with recommendations and proposed legislation, if appropriate, which will be submitted to the Committee on or before January 10, 2020.

As a first step in the sunrise review process, we have enclosed a survey instrument designed to elicit basic information on the issues and the positions of interested parties on the question of whether the public health, safety and welfare is jeopardized in the absence of state regulation of

crane operators. Please complete all or any portion of the survey and return it along with any additional information that would assist the Department in its evaluation process.

Completed surveys should be returned to Melissa Hinkley, Assistant to the Commissioner, by e-mail (melissa.a.hinkley@maine.gov) or regular mail (35 State House Station, Augusta, ME 04333) on or before September 30, 2019.

If you have questions about the survey or the sunrise review process, please contact the Commissioner's Office at 624-8511.

Sincerely,

Anne L. Head
Commissioner

cc: Senator Erin Herbig, Senate Chair
Representative Mattea Daughtry, House Chair
Joint Standing Committee on Innovation, Development, Economic Development and
Business
Sam Senft, OPLA Policy Analyst

Enclosures (4)

Appendix D
Survey Responses and Public Hearing Testimony



Request for Information from Interested Parties:
Sunrise Review for Resolve c. 75

“Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Operators of Cranes”

Department of Professional and Financial Regulation
Office of the Commissioner
August 12, 2019

***Sunrise Review Survey: Regulation of Crane Operators in
Maine
Pursuant to 2019 Resolve c. 75***

Please return the completed survey to Melissa Hinkley, Commissioner's Office, Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333-0035 or by email to Melissa.A.Hinkley@maine.gov by September 16, 2019.

General Information:

Completed by: Joseph C. Costello

Title or Occupation: VP, Human Resources

Organization Represented: Bancroft Contracting Corporation

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

At Bancroft Contracting Corporation, we presently employ 16 crane operators.

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

All crane operators should possess the skills requisite to obtain an operator's certification in accordance with an accredited crane operator testing organization, the standard for which is set for in 19 CFR 1926.1427.

3. What standards should be used to measure the competency of a crane operator? Why?

The competency of a crane operator should be evaluated pursuant to the criteria required for certification by the National Commission for the Certification of Crane Operators ("NCCCO"). The NCCCO certification for crane operators represents the industry's gold standard. The certification program and standards are developed, managed and overseen by industry experts with decades of experience and continual recognition by OSHA and ANSI, as well as the international standard ISO 17074.

4. What operation and safety standards apply to crane operators?

In the construction industry of which Bancroft Contracting Corp. operates, all of our crane operators must satisfy OSHA regulations related to the training, qualification, certification and operation standards set forth in 29 CFR §1926 Subpart CC, Cranes & Derricks in Construction.

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

All Bancroft Contracting Corporation crane operators must receive NCCCO certification for the type of crane they operate, as well as being internally qualified by Bancroft Contracting Corporation for the specific make and model crane they will be operating.

6. Is the public in jeopardy in the absence of state regulation of crane operators?

No.

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

No, I have no knowledge of a Maine member of the public being physically harmed by an act of a crane operator, although I am aware of crane accidents in other states, particularly those sensational U.S. news stories of crane accidents in New York City or other metropolitan communities, which have limited application here.

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

Unknown. All crane operators on Bancroft Contracting Corporation jobsites, whether they be Bancroft or subcontractor operators, must provide documentary proof of the operator's certification and qualification to operate the intended crane.

9. Has your company adopted mandatory OSHA standards for crane operators?

Yes.

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

Yes – we require all Bancroft Contracting Corporation crane operators to acquire NCCCO certifications, which includes undertaking a training course as well as passing written and practical examinations for the type or types of cranes they will utilize. NCCCO certifications for Bancroft operators include Lattice Boom Truck Cranes; Lattice Boom Crawler Cranes; Telescopic Boom Cranes – Swing Cab; Telescopic Boom Cranes – Fixed Cab; Boom Trucks – Fixed Cab.

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

We are subject to mandatory certifications and comply with those regulations. Furthermore, we internally examine and qualify all Bancroft operators for the specific crane to be operated.

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

I am not an operator, but our operators find the NCCCO training and certification program for written and practical operators to be of the most value, as compared with the licensing practices of other states in which our operators hold licenses.

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

We require certification through NCCCO, qualification through Bancroft Contracting Corp., and licensure through any state with a licensing requirement for which we operate. No further state, national or international organizational membership is required.

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

Our operators already receive extensive training as part of the certification and qualification process, which requires passing written testing and practical examinations. The present cost for paid training time, training courses, and certification fees approximates \$3,000.00 per operator every five (5) years, and does not include loss of revenue for time absent from production or the administrative costs for developing, maintaining, and managing a regulatory compliance program. Additional state-based regulatory fees, paid labor rates towards operator compliance with state mandated training, testing and licensure, as well as the additional administrative costs would not be able to be born by our company. Our crane service rates would rise and there would be additional impacts on the availability for crane service or time for performance, which would be experienced by Maine consumers.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

At a minimum, the addition of state regulation would increase the rates for crane service. Ancillary consequences may include delays for crane service as a product of operators satisfying additional training, examination or certification requirements, or

as a consequence of fewer operators or crane service providers available or legally able to provide service.

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Pennsylvania Licensure – Requires the operator to obtain and provide proof of an accredited 3rd-party certification as well as payment of the state fee.

Massachusetts Licensure – Requires the passage of a written examination, proof of hoisting education along with a continuing education responsibility, and payment of a fee. Massachusetts does not require passage of a practical examination.

Connecticut and New York – Both require passage of a written test and practical examination and payment of the state fee.

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.



Request for Information from Interested Parties:

Sunrise Review for Resolve c. 75

“Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Operators of Cranes”

**Department of Professional and Financial Regulation
Office of the Commissioner
August 12, 2019**

***Sunrise Review Survey: Regulation of Crane Operators in
Maine
Pursuant to 2019 Resolve c. 75***

Please return the completed survey to Melissa Hinkley, Commissioner's Office, Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333-0035 or by email to Melissa.A.Hinkley@maine.gov by September 16, 2019.

General Information:

Completed by: Scotty Linscott

Title or Occupation: President

Organization Represented: (if applicable) H.B. Fleming

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

Yes, 13

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

A crane operator should be able to read a load chart, understand erection and breakdown, and have an understanding of the mechanics of the particular crane they are running. A crane operator should be trained to operate the crane in a one on one situation with a licensed operator.

3. What standards should be used to measure the competency of a crane operator? Why?

NCCCO National licensing is adequate at evaluating an operators ability to understand the book knowledge that is necessary to operate a crane safely as well as evaluating an operators practical ability.

4. What operation and safety standards apply to crane operators?

OSHA, ASME standard, crane manuals, etc.

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

NCCCO license and then an operator is oriented to our equipment with a trained licensed operator that is already employed by our company.

6. Is the public in jeopardy in the absence of state regulation of crane operators?

No, the national certification is very adequate.

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

No, not at our organization.

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

None at our company.

9. Has your company adopted mandatory OSHA standards for crane operators?

Yes.

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

Not officially, but we have a long standing process of how we train operators, which continues to work well for us.

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

Not officially, but we have a long standing process of how we train operators, which continues to work well for us.

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

Our operators are required to be NCCCO licensed.

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

It would increase the cost of crane service.

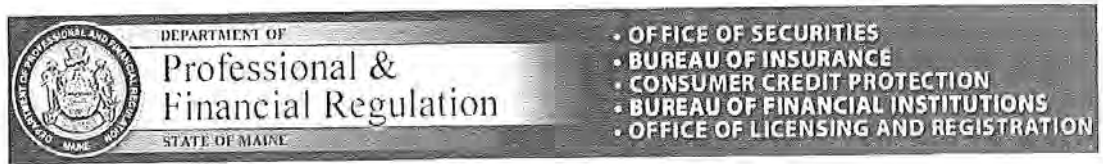
15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

If this were adopted, we would most likely need to add a crane coordinator to our overhead staff and we would have some on going lost production as people get certified and renew licenses. The costs would be passed on to the customer.

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Most states acknowledge NCCCO for crane operator licensing. This is the most stringent of certification that is available. There is no need for additional certification.

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.



Request for Information from Interested Parties:
Sunrise Review for Resolve c. 75

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Financial Regulation To Conduct a Sunrise Review Regarding
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**Department of Professional and Financial Regulation
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August 12, 2019**

***Sunrise Review Survey: Regulation of Crane Operators in
Maine
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Please return the completed survey to Melissa Hinkley, Commissioner's Office, Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333-0035 or by email to Melissa.A.Hinkley@maine.gov by September 30, 2019.

General Information:

Completed by:

Title or Occupation:

Organization Represented: (if applicable)

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?
Many of our signatory contractors employ crane operators. All of our Steel Erection Companies use crane operators and or sub contract the Crane Operation. At any given time there could be between 200-500 operators employed.
2. Please describe the minimum skills, knowledge and training that a crane operator should possess.
The minimum skills should be knowledge of safety such as osha courses and at least 2 years of job shadowing with a licensed operator. Operators should go through at least a four year program to ensure they are properly trained in many types of equipment and the safe operation of them.
3. What standards should be used to measure the competency of a crane operator? Why?
A Licensing test at a completion of a DOL approved apprenticeship program. The operation of heavy equipment such as a large crane is not something to be taken lightly. A lot of lives on the construction site depend on a well trained person sitting in the seat of such equipment. Without licensing there the potential of someone unqualified sitting in to keep there job at request of employer which leads to large scale accidents. For example a crane crashed through some apartment buildings in

Portland Maine when the boom was not lowered for the weekend even though heavy winds were predicted. A Properly trained Operator would not have taken the risk of leaving the boom up for the weekend.

4. What operation and safety standards apply to crane operators?
OSHA training, 4-5 year Apprenticeship Program with DOL oversight and steps of various certification that ends in a DOL certified certificate of completion after a Licensing test has been passed.

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

We only employ Operators that have passed at bare minimum a CCO, unless they are apprentices in training and have the oversight on the job of a CCO Licensed Operator.

6. Is the public in jeopardy in the absence of state regulation of crane operators?

Yes. Large cranes and crane booms sit hundreds of feet above the street. When there is an accident they fall into busy streets, across highways, local roads, busy sidewalks, into peoples homes and businesses. If you do not enforce some sort of Licensing anyone can get into the seat and that is a dangerous prospect.

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

In Portland Maine a Manitowoc 999 tipped into apartment buildings beside Maine Medical and no one was seriously injured. However an accident like that could have been catastrophic

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

That is hard to figure since there is no current way to monitor that. One person could be an operator one day and a laborer the next. Right now anyone can get in the seat.

9. Has your company adopted mandatory OSHA standards for crane operators?

Yes. Our contracts require a CCO and OSHA training.

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

Each company we work with has different restrictions to ensure a safe working environment for their employees from CCO's to Fork lift licensing.

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

Yes. Each company has their own boom lift and fork lift training certification as well as boom truck. All lattice Crane operators must have CCO to ensure the Safety of our Ironworkers. We do not take chances with these workers whose jobs are already dangerous enough.

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

I am not a crane operator. I work with operators setting steel and erecting large cranes for heavy rigging projects.

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

We definitely prefer to use Local 4 Operators. They run a 5 year apprentice program and guarantee a well trained work force. All operators have CCO's or in the case of Apprentices have a CCO licensed person there for oversight. This ensures the safety of our employees in the air.

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

There would be no increase. Good players already exist in Maine on both Union and Non Union jobsites. Licensing of operators is a measure to protect the lives of Mainers both on and off the jobsite and their safety should be above monetary concerns. A well trained operator can speed a project up indefinitely. The amount of time lost on projects due to slow swing speed and lack of knowledge offsets any raise in costs.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

It would enable the Good Contractors who pay their CCO certified Operators on both Union and Non Union job sites a more even playing field and provide all Mainers with safer work places.

If all Operators in the State were Licensed just as in other states companies who looked to gamble and put someone unqualified in the crane seat and save a buck would be forced to play by the same rules creating an environment where contractors who are good actors can compete.

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Massachusetts has the best Licensing in the Northeast. Operators are licensed for every type of equipment: Tower Cranes, Crawler Cranes, Hydraulic Cranes, Fork trucks, Personnel hoists and Large Dirt Moving Equipment. The Operator has the most important job on each site when it comes to the safety of their fellow workers. Can you imagine the State of Maine Has now Licensing for a Tower Crane or a Personnel Hoist. How many lives are lost when either one fails? You just can't rely on anybody in these jobs.

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.

I have worked with Operators my entire career. I am an ironworker. There is nothing more frightening than being on a building waiting for steel to be sent to you (most of the time 5 pieces at a time) and having an inexperienced unlicensed operator in the seat. I have almost been taken off structures and seen co workers nearly lose their life right in front of me.



Request for Information from Interested Parties:

Sunrise Review for Resolve c. 75

“Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Operators of Cranes”

**Department of Professional and Financial Regulation
Office of the Commissioner
August 12, 2019**

***Sunrise Review Survey: Regulation of Crane Operators in
Maine
Pursuant to 2019 Resolve c. 75***

Please return the completed survey to Melissa Hinkley, Commissioner's Office, Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333-0035 or by

email to Melissa.Hindle@maine.gov by September 30, 2019.

General Information:

Completed by: ROBERT A. DUAN

Title or Occupation: VP, MSBTC. Business Rep.

Organization Represented: (if applicable)

INDIE

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

Yes-

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

competent in all aspects of crane operation, safety & Rigging - All OSHA STANDARDS.

3. What standards should be used to measure the competency of a crane operator? Why?

Licensing, Testing by accredited training Program, Continuing Education.

4. What operation and safety standards apply to crane operators?

NCCO, OSHA

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

Apprenticeship Training, Licensing

6. Is the public in jeopardy in the absence of state regulation of crane operators?

yes it is, a 500 ton crane should require some Regulation
In Maine there are none

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

All service providers should have the same Protocol for Safety & training, which includes licensing & NCCCO —

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Mass, Requires a written test ~~and~~ to qualify an operator in certain CLASS of crane Rhode Island as well.

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.

Having a license in place not only sets Safety Standards, It levels all operations to have same qualifications. Further more in a state where the workforce is aging, ~~It creates more of a job~~ A licensed Crane operator is a main Crestis a Trade for a man/woman coming out of school to train for.

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

Yes, a unlicensed operator dropped a scale pan from a rotating job, and critically injured a woman, in Boston. This was a few months ago.

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

Based on Maine's Requirements which are none
many

9. Has your company adopted mandatory OSHA standards for crane operators?

Yes, OSHA Standards, and NCCO Standards are part of our Safety Protocol.

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

We only have Licenses, CCO Crane operators

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

There is nothing Voluntary! It's Federal Law to have 3rd party certs. NCCO

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

~~NCCO - It's Federal Law~~

2

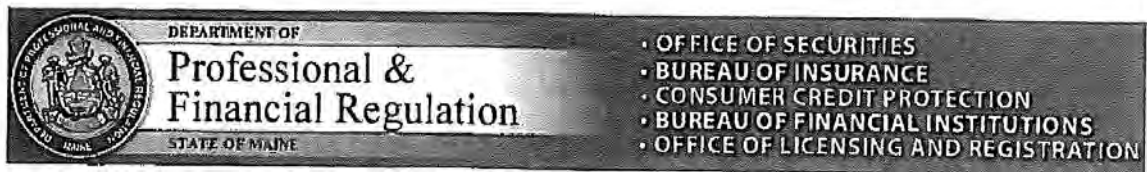
13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

NCCO - Federal Law

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

Safety Shouldn't have a price tag.

Qualified
Licensers -



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August 12, 2019**

***Sunrise Review Survey: Regulation of Crane Operators in
Maine***

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Please return the completed survey to Melissa Hinkley, Commissioner's Office, Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333-0035 or by email to Melissa.A.Hinkley@maine.gov by September 30, 2019.

General Information:

Completed by: **Thomas Guerette**

Title or Occupation: **Division Manager for Heavy Civil Construction and
Demolition Company**

Organization Represented: (if applicable)

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

Yes we have 3 crane operators full time and supplement our needs in the busy season as demand requires

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

Ability to read and understand Crane Charts; Be able to Plot a pick plan using the crane chart info and weight of material or item being picked; Understand Rigging Methods and Techniques; Mastered interpreting and giving Crane Signals

3. What standards should be used to measure the competency of a crane operator? Why?

OSHA 1926.1427 Cranes and Derricks In Construction
Army Corps of Engineers EM-385-1-1 Section 16 (load Handling Equipment)
National Commission for the Certification of Crane Operators (NCCCO)
ANSI Standard B30.6
- All provide information for the safe handling and operation of cranes and derricks

4. What operation and safety standards apply to crane operators?

OSHA 1926.1427 Cranes and Derricks In Construction
Army Corps of Engineers EM-385-1-1 Section 16 (load Handling Equipment)
National Commission for the Certification of Crane Operators (NCCCO)
ANSI Standard B30.6

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

OSHA 1926.1427 Cranes and Derricks In Construction
Army Corps of Engineers EM-385-1-1 Section 16 (load Handling Equipment)
National Commission for the Certification of Crane Operators (NCCCO)
ANSI Standard B30.6
State Licensure

6. Is the public in jeopardy in the absence of state regulation of crane operators?

Potentially yes, as prior to OSHA's recent rule that crane operators must be certified by a nationally recognized agency (such as NCCCO) to operate a crane on any construction project. Prior to that rule anyone could potentially operate a crane without the benefit of having received any formal training, in a non-licensed required state or jurisdiction

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

No

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

Unknown

9. Has your company adopted mandatory OSHA standards for crane operators?

Yes, my company is from Massachusetts which has been a required license state for decades, additionally our company requires Crane Operators to hold a current NCCCO (or equivalent agencies) certification to operate a crane

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

See above. the NCCCO training is quite comprehensive and requires passing a 2-part exam, part written and part hands-on, we feel that candidates that have taken and passed such an exam have demonstrated that they possess the minimum knowledge required by someone who would be charged with operating a piece of equipment like a crane

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

See above. We rely on state licensing and the NCCCO training

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

- * State of Massachusetts Grade 1A Hoisting License
- * State of Connecticut Mobile Crane License
- * State of New Jersey Crane License (lattice boom crawler and lattice boom truck crane)
- * NCCCO lattice boom crawler and lattice boom truck crane certification

- NCCCO and State CT licensing required two part exams, both written and practical knowledge, I feel that an exam that takes both knowledge base and operational skill into account provide the best training and is the best approach to provide a potential candidate with the skills necessary to embark on a career to operate such a piece of specialized heavy equipment as a crane.

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

* NCCCO Certification (or an equal nationally recognized agency)

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

* Other than the actual out of pocket costs for individuals to obtain their initial and periodic license renewals, the overall cost impacts to the industry should be minimal. It is important to stress that since many individuals pay for their own licenses, the proposed license fees should be kept as low as possible

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

The only immediate effect on current service providers would be in that instituting a required licensing program may force the older group of current crane operators to simply retire a bit earlier than anticipated, as it seems most people in general resist change and anyone that has spent most of their adult life earning a living as a crane operator is likely going to be offended by the fact that they all of a sudden now have to take a test to get a license to do something they've done for years without a license.

16. Please provide information about methods used by other states to regulate the crane operator occupation.

* State MA has their own written exam, but requires continuing education every two years by a 3rd party provider to renew it.

* State CT administers their own 2 part exam

* State NJ requires applicants to hold a current NCCCO certification and they charge applicants a fee to apply for a NJ license but use the NCCCO cert as proof of competency

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.

Operating a crane on a construction site requires a vast amount of knowledge to do safely. consider that crane operators always have to be the final approval for every pick their machine makes, its ultimately their responsibility to verify that the lift was rigged properly, is the load within the crane's capacity for the configuration that the crane is setup in on that day, is the wind going to be an unsafe factor in todays lift, and while doing all that the operator must keep a watchful eye on the myriads of people within the cranes working radius to make sure no one gets pinched, crushed or has a load lowered on their hands or feet. A lot of factors that effect every potential lift a crane makes and some crane makes a hundred pick per day or more.

Finally consider that within our modern ultra safe minded society, we would never, ever consider allowing a person to operate a car without some formal training or licensing in place so how or why would anyone ever consider allowing someone to operate such a complex piece of equipment as a crane without some form of formal training or proof of competency?



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General Information:

Completed by: Christopher Carey

Title or Occupation: Organizer / Legislative Rep.

Organization Represented: (if applicable)
IUOE Local 4

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

NA

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

The Crane operator should be able to read & understand Load Charts, Know how to setup & Dismantle the crane, Know how to calculate weights

3. What standards should be used to measure the competency of a crane operator? Why?

The International Union of Operating Engineers Standard. Apprentices go to a 4 year school and also work under a crane operator during that time.

4. What operation and safety standards apply to crane operators?

OSHA

NCCCO

MA State Hoisting License

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

MA State Hoisting License

A written Exam

A practical Test

Also the NCCCO Exam

6. Is the public in jeopardy in the absence of state regulation of crane operators?

YES. When crews are short handed the employee will through anyone in the seat of the crane. This makes it unsafe for the workers & the Public. With a state License it would limit this from happening.

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

I know of two Companies that use crane operators that should not be crane operators.

9. Has your company adopted mandatory OSHA standards for crane operators?

yes

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

MA state 2A Hoisting License, NCCCO, Rigging + Signaling, OSHA 10
4 year Apprenticeship through Hoisting + Portable Engineers Local 4. The Apprenticeship was the best got class time, field training and also training from operators during the work day.

2

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

Yes, IUOE Local 4 MA, NH, ME

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

In my opinion it would lower the cost of Insurance because of more qualified operators & less accidents

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

It would provide a better service by holding companies accountable for who they put in the seat of a crane.

16. Please provide information about methods used by other states to regulate the crane operator occupation.

MA has a hoisting License in which operators need to take a written test.

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.

When a company gets desperate they will throw anyone in the seat of a crane. This puts profits over safety. With oversight from Maine this could put an end to that.



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**Department of Professional and Financial Regulation
Office of the Commissioner
August 12, 2019**



David Doherty
Cianbro

***Sunrise Review Survey: Regulation of Crane Operators in
Maine
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General Information:

Completed by:

Title or Occupation:

Organization Represented: (if applicable)

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?
Yes, 100 + or – Qualified Team Members.
2. Please describe the minimum skills, knowledge and training that a crane operator should possess.
Ability to read, write and perform basic math skills. Must meet ASME physical requirements. Ability to recognize hazards and be able to avert them. Ability to operate a crane in a safe capacity. Understand OSHA laws and ASME guidelines.
3. What standards should be used to measure the competency of a crane operator? Why?
Written exam for knowledge skills and a practical exam to verify hands-on skills. The purpose for these assessments is to verify the knowledge and ability of an operator prior to putting them in a safety sensitive situation.
4. What operation and safety standards apply to crane operators?
ASME B30.5 (Mobile Cranes), ASME B30.3 (Tower Cranes), ASME B30.22 (Articulating Cranes) and OSHA 1926 1400 (Cranes in Construction)

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

All operators at Cianbro hold a valid NCCCO Certification in the type of crane they operate. Qualification is also outlined by ASME B30.5 5-3.1.2

6. Is the public in jeopardy in the absence of state regulation of crane operators?

No, adding state license would be redundant to the Federal requirements that are already in place.

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

No

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

Any answer I give would be speculation.

9. Has your company adopted mandatory OSHA standards for crane operators?

Yes

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

Cianbro has used NCCCO Certification starting in 1997. We achieved 100% certification for all our operators in the early 2000's. We firmly believe that Training + certification + evaluation = qualification.

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

Yes, we deliver Lift Planning, Rigging, and Powerline Courses to our team members w/o a mandated requirement. We believe these courses will certainly improve safety.

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

I hold NCCCO Certification for all types of mobile cranes currently offered. I also am an NCCCO Certified Lift Director and Rigger. I hold valid Crane operator licenses in the states of MA, PA, NY, and CT. All my formal crane/lift planning training has been delivered by my employer, Cianbro. Each training course couples with others to raise my qualifications.

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

No

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

Crane companies would pass the cost of license fees, time, admin costs, etc, to the customer.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

State regulation would add a duplicative requirement for crane service providers causing more of a burden on these employers to do business in the state of Maine (one more hoop to jump through).

16. Please provide information about methods used by other states to regulate the crane operator occupation.

23 states/cities have a license or certification requirement to operate in their jurisdiction. Of the 23, 16 use the NCCCO or other accredited testing organizations as a minimum verification requirement. A minority of states have a stand alone license. Of the minority, all have a written exam and some have a practical exam.

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.

The Federal Government (OSHA) requires all crane operators in construction to have taken a written and practical exam. They must also hold a certification in the type of crane they are operating. The certification organization must be accredited. This means the exams both written and practical are completely standardized and developed by the U.S. subject matter experts. These folks represent the crane manufactures, insurance, labor (IUOE), and crane contractors. The Federal Government also requires documented evaluations specific to the crane to be operated and its configuration. Cianbro, like many other organizations also recognize ASME B30.5 physical requirements for operators and use a current DOT Med Examiner card for verification. What will a state license cover that Federal OSHA and ASME has not?



DEPARTMENT OF

Professional &
Financial Regulation

STATE OF MAINE

- OFFICE OF SECURITIES
- BUREAU OF INSURANCE
- CONSUMER CREDIT PROTECTION
- BUREAU OF FINANCIAL INSTITUTIONS
- OFFICE OF LICENSING AND REGISTRATION

Request for Information from Interested Parties:
Sunrise Review for Resolve c. 75

*“Resolve, Directing the Commissioner of Professional and
Financial Regulation To Conduct a Sunrise Review Regarding
the Proposal To License Operators of Cranes”*

Department of Professional and Financial Regulation
Office of the Commissioner
August 12, 2019

***Sunrise Review Survey: Regulation of Crane Operators in
Maine***

Pursuant to 2019 Resolve c. 75

Please return the completed survey to Melissa Hinkley, Commissioner's Office, Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333-0035 or by email to Melissa.A.Hinkley@maine.gov by September 30, 2019.

General Information:

Completed by: Dean Ouellet

Title or Occupation: VP – Director of Operations

Organization Represented: Ouellet Construction

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?
Yes, we currently employ three operators.
2. Please describe the minimum skills, knowledge and training that a crane operator should possess.
 - Operators should have classroom training to better understand the following types of cranes – Rules and regulations pertaining to cranes – Conditions Affecting the safe operation of a crane – How to properly review a site and setup a crane – How to properly operate a crane – Understand basic rigging and wire rope – how to properly maintain and inspect a crane – Understand load charts.
 - Operators should meet current OSHA requirements and be certified to operate a crane.
 - On the job training with a qualified crane operator
3. What standards should be used to measure the competency of a crane operator? Why?
Operators should hold a valid certification from an accredited organization certifying they have the proper skills and knowledge to operate the type and capacity of crane being used.
It is important to know an operator has the knowledge and skill needed to perform his task safely – requiring certification proves they meet the minimum requirements.

4. What operation and safety standards apply to crane operators?
 - OSHA Cranes and Derricks in Construction 29CFR 1926 Subpart CC
 - OSHA General Industry Cranes 29 CFR 1910.180
 - American Society of Mechanical Engineers ASME B30.5
 - Power Crane and Shovel Association PCSA no. 2 & 4
5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

We require our crane operators to meet OSHA 29CFR 1926 Subpart CC by undergoing a certification program through an approved NCCCO National Commission for the Certification of Crane Operators program. Both written and practical exams.
6. Is the public in jeopardy in the absence of state regulation of crane operators? I don't believe a state regulation will make the public any safer than what current OSHA regulations require.
7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe. No
8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator? I believe not many since the new OSHA standard is now into effect. We don't see inexperienced operators on the jobsites.
9. Has your company adopted mandatory OSHA standards for crane operators? Yes
10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications? Yes. We have adopted certifications from NCCCO because the training program is extensive and thorough. NCCCO certification programs have been accredited to the international standard ISO 17074 by the American National Standards Institute (ANSI) since 2007. ANSI accreditation demonstrates that NCCCO's nationally recognized and administered programs have been developed—and are maintained—to the highest standards of test integrity.
11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications? No we have not. The mandatory certifications have proven to be very thorough.

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why? I have operated cranes on an as needed basis within our organization for the approximately 25 years learning by doing on the job training. In 2018 I completed a certification through an approved NCCCO administrator. I am certified to operate Telescopic boom cranes of all sizes.
13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations? Yes – all of our operators are members of the National Commission for the certification of crane operator's organization. It is a great way to ensure our operators have the knowledge and training necessary to perform safely.
14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response. This would depend what the state would require. Whatever cost associated with the added training and administrative work would determine the affected cost.
15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response. I don't see why it would affect current providers so long as the state gives ample time for such current providers to meet the state requirements.
16. Please provide information about methods used by other states to regulate the crane operator occupation. I am not familiar with the methods of other states regarding the regulation of crane operators.

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.



Request for Information from Interested Parties:
Sunrise Review for Resolve c. 75

***“Resolve, Directing the Commissioner of Professional and
Financial Regulation To Conduct a Sunrise Review Regarding
the Proposal To License Operators of Cranes”***

**Department of Professional and Financial Regulation
Office of the Commissioner
August 12, 2019**



Sunrise Review Survey: Regulation of Crane
Operators in
Maine
Pursuant to 2019 Resolve c. 75

Please return the completed survey to Melissa Hinkley, Commissioner's Office, Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333-0035 or by email to Melissa.A.Hinkley@maine.gov by September 30, 2019.

General Information:

Completed by: Steve Campbell

Title or Occupation: VP

Organization Represented: (If applicable) Reed & Reed

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many? *Yes, varies 10 - 14*

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

Crane operator should have practical experience with the type of crane they are using along with activity they will be conducting. Should be familiar with standard industry practices and the crane manual of the crane they are operating. They should also be certified on the crane they are operating.

3. What standards should be used to measure the competency of a crane operator? Why?
OSHA's standard 1926.1430 contains training requirements, 1926.1427 requires qualification and certification requirements along with an employer evaluation requirement to ensure operators can perform in accordance with their certification.

4. What operation and safety standards apply to crane operators? *While there are many, the primary drivers are the OSHA standards, in particular Subpart cc of the construction Standards. There are particular requirements for operators including operating equipment in compliance with manufacturers'*

requirements.

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability? *Crane operators must pass a written and practical exam along with a DOT type physical in order to obtain their NCCCO certification particular to the type of crane they are operating. Then as a Company we perform an evaluation to determine the crane operators particular capabilities based on the crane they are operating and activity they are performing.*

6. Is the public in jeopardy in the absence of state regulation of crane operators? *At this point OSHA has issued a comprehensive standard that requires a written and practical exam along with an evaluation by the employer. It seems that further State regulations even if similar to other States would just be redundant at this point. Prior to the OSHA standard it would have been justified if enacted effectively.*

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe. *Sure, in the news on occasion.*

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator? *Shouldn't be any. The OSHA standard came out in 2011 with full implementation by 2019.*

9. Has your company adopted mandatory OSHA standards for crane operators? *Yes*

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications? *Yes, NCCCO*

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications? *No, unsure of the intent of this question.*

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why? *I am not a crane operator*

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations? *No*

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response. *At this point it seems it would be a redundant cost. These costs would need to be added to our overhead costs and passed on in our pricing of projects*

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response. *It is difficult to believe the State would create a system more comprehensive than the current OSHA standard so I am not sure it would except for pricing.*

16. Please provide information about methods used by other states to regulate the crane operator occupation. *Massachusetts, New York and Rhode Island each have crane*

licensing requirements. These requirements' were in place prior to OSHA's standard. Each vary with requirements. Most States do not have licensing requirements', which is the reason for the recent OSHA standard. OSHA's standard appears to me to be the most comprehensive and the State requirements now seem redundant and less stringent.

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic. *As a comprehensive Federal regulation already exists, it would seem simply redundant and therefore a burden on the industry at this point to require a State certification process.*

There is no documented need for Maine regulations. Anything more stringent than OSHA requirements would be unnecessarily burdensome and anything less stringent would be redundant.

The last thing we need is a new regulatory requirement with reporting, administration, reviews, additional oversight, etc, etc. OSHA's regulations were established through a long and comprehensive process involving industry, government and labor organizations. Their final form represents the best of a deliberative process involving interested parties. Maine has no reason to think it can do better, especially when there is no compelling reason to do so.

Hinkley, Melissa A

From: steve campbell <scampbell@reed-reed.com>
Sent: Friday, August 16, 2019 10:14 AM
To: Hinkley, Melissa A
Subject: Crane licensing
Attachments: Crane Certification questionnaire from Maine final.rtf

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Melissa,

Per your request, we have responded to the survey regarding licensing crane operators which I have enclosed. Simply put, this requirement seems redundant and unnecessary at this point as OSHA has a comprehensive requirement to ensure crane operator training, certification and evaluation. We thank you for the opportunity to respond and certainly can make ourselves available should you or others have further questions.

Steve Campbell MS, CSP, CIH
Vice President
scampbell@reed-reed.com

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Request for Information from Interested Parties:
Sunrise Review for Resolve c. 75

“Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Operators of Cranes”

Department of Professional and Financial Regulation
Office of the Commissioner
August 12, 2019

**Sunrise Review Survey: Regulation of Crane Operators in
Maine**

Pursuant to 2019 Resolve c. 75

Please return the completed survey to Melissa Hinkley, Commissioner's Office, Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333-0035 or by email to Melissa.A.Hinkley@maine.gov by September 30, 2019.

General Information:

Completed by:

Title or Occupation: *operating engineer/Crane operator*

Organization Represented: (if applicable) *IUE LOCAL 4*

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

10 / YES

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

*UNDERSTANDING CRANE OPERATION + LOAD CHARTS
KNOWING THE CORRECT HAND SIGNALS
KNOWING THE SAFETY RULES + SAFE OPERATION OF THE CRANE*

3. What standards should be used to measure the competency of a crane operator? Why?

*NCCCO and OSHA STATED CRANE STANDARD
THROUGHOUT THE USA*

4. What operation and safety standards apply to crane operators?

OSHA

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability? *OSHA*

6. Is the public in jeopardy in the absence of state regulation of crane operators? *YES*

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe. *NON UNION UNLICENSED CRANE ACCIDENTS - LOOK THEM UP ONLINE. TOO MANY TO WRITE HERE*

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator? *ALL as far as I know. There is NO CRANE STANDARDS IN MAINE*

9. Has your company adopted mandatory OSHA standards for crane operators? *YES*

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications? *YES NCCO*

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications? *NCCO*

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why? *MASS HOISTING License + NCCO CERTIFICATIONS are now LAW in the USA*

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

MASS Hoisting License & NCCCO
are required

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

IT would Reduce CRANE accidents
by Having certified & Licensed operators
and Reduce lawsuits caused by the accidents

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

BY Having Licensed &
Cert. Fred operators IT would Reduce the cost
of the companies paying out settlement for accidents

16. Please provide information about methods used by other states to regulate the crane operator occupation.

USE NCCCO certified & Licensed
operators That are TRAINED

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.

TRAINED operators are Always
able to work in a safe manner
protecting fellow workers and the surrounding
public by Knowing what the machine CAN
or CANNOT Do Safely.

Thanks for Listening



Request for Information from Interested Parties:

Sunrise Review for Resolve c. 75

“Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Operators of Cranes”

**Department of Professional and Financial Regulation
Office of the Commissioner
August 12, 2019**

***Sunrise Review Survey: Regulation of Crane Operators in
Maine
Pursuant to 2019 Resolve c. 75***

Please return the completed survey to Melissa Hinkley, Commissioner's Office, Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333-0035 or by email to Melissa.A.Hinkley@maine.gov by September 30, 2019.

General Information:

Completed by: I.U.O.E. Local 4

Title or Occupation: CRANE OPERATOR

Organization Represented: (if applicable)

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

YES, 6

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

1 A License CCO Completion

3. What standards should be used to measure the competency of a crane operator? Why?

Proper testing & Evaluation SAFETY & SKILLS

4. What operation and safety standards apply to crane operators?

Proper operation AND A/D OF CRANES

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

EVALUATION OF OPERATORS UPON hiring

6. Is the public in jeopardy in the absence of state regulation of crane operators?

Absolutely

7. Are you aware of any actual instances in which a member of the public was harmed

physically by an act of a crane operator? Please describe.

RECENT ACCIDENT IN BOSTON

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

9. Has your company adopted mandatory OSHA standards for crane operators?

YES

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

CCO

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

PROPER LICENSING FOR PARTICULAR CRANES & CCO

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

Proper license & CCO - BOTH - Proper operation is
SAFE OPERATION

2

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

No

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

proper training INSURES SAFE OPERATION for SAFETY
OF WORKERS & PUBLIC

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

provide them with SAFE, INFORMED SKILLED OPERATORS⁶⁷

16. Please provide information about methods used by other states to regulate the crane operator occupation.

UPDATED OSHA + ANSI REGULATIONS

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.



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**Department of Professional and Financial Regulation
Office of the Commissioner**

August 12, 2019

***Sunrise Review Survey: Regulation of Crane Operators in
Maine***

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General Information:

Completed by:

Title or Occupation: Driller

Organization Represented: (if applicable)

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

yes not sure

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

should be a matter of experience
if you are active doing your job daily
that is all the skills you should need

3. What standards should be used to measure the competency of a crane operator? Why?

how active his job is
- operating daily

4. What operation and safety standards apply to crane operators?

licensing - and actively operating cranes

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

I'm not sure

6. Is the public in jeopardy in the absence of state regulation of crane operators?

I don't think so

7. Are you aware of any actual instances in which

physically by an act of a crane operator? Please describe.

no

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

I don't know

9. Has your company adopted mandatory OSHA standards for crane operators?

I would like to think so

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

I don't know

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

I don't know

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

my license - my time operating is most valuable

2

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

not sure

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

they have to pay to be licensed

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

I don't know how to answer this

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.



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General Information:

Completed by:

Title or Occupation:

Organization Represented: (if applicable)

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

YES, 30-40 OPERATORS

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

4 YEARS OF APPRENTICESHIP TRAINING, HOISTING LICENSE
AND A CCO LICENSE

3. What standards should be used to measure the competency of a crane operator? Why?

READ AND UNDERSTAND A LOAD CHART OF THE EQUIPMENT
THEY OPERATE. HOLD A VALID LICENSE, AND A CCO
LICENSE. SO THEY CAN SAFELY OPERATE A CRANE

4. What operation and safety standards apply to crane operators?

SEE # 3

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability? STATE HOISTING LICENSE AND CCO LICENSE ALONG WITH APPRENTICESHIP TRAINING.
6. Is the public in jeopardy in the absence of state regulation of crane operators? YES
7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe. YES.
8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator? DO NOT KNOW
9. Has your company adopted mandatory OSHA standards for crane operators? YES
10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications? STATE AND FEDERAL LICENSE
11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications? STATE AND FEDERAL LICENSE
12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?
HOISTING LICENSE FOR MASS, RI AND
FEDERAL CCO.

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

I UOE LOCAL 4. WE ARE A UNION CRANE CO.

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

WOULD NOT AFFECT COST OF CRANE SERVICE, COST OF STATE LICENSE PAID BY OPERATOR.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

THE OPERATOR WOULD BE SAFER AND KNOW PROPER RULES. AND OSHA, ANSI STANDARDS

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.



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August 12, 2019**



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General Information:

Completed by: Sam Bobseine

Title or Occupation: Operating Engineer (Crane Operator)

Organization Represented: (if applicable)

I.U.O.E. Local 4

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

Yes. 40+

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

2,000+ hours of seat time. Knowledge of crane functions, state and federal laws, wire ropes, capacities, critical picks, weather conditions that would effect safe operating and both written and practical exams.

3. What standards should be used to measure the competency of a crane operator? Why?

The highest standard of anyone on a job site. And the reason being because everyone's life around you is in your hands.

4. What operation and safety standards apply to crane operators?

Know your cranes safe working limits and functions and LOAD CHARTS and pinch points and crane set up on all circumstances.

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

I need my DOT physical, drivers license, Mass state hoisting license, NCCCO written and practical for each different crane before I can even go to work. Also, I need a drug test. Also, my OSHA 10 card.

6. Is the public in jeopardy in the absence of state regulation of crane operators?

100000000 YES! If you don't know what you're doing then everyone within your center pin to the Boom tip is in danger!

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

Yes, New York City when a 330 ton Luffer Crane that was 50 stories tall of Boom collapsed and killed a pedestrian.

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

I don't know.

9. Has your company adopted mandatory OSHA standards for crane operators?

You need a minimum of an OSHA 10 to step on site.

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

Mass state Hoisting Engineer license and the federal NCCCO license.

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

Yes, we all have access to two different training centers in Mass and an expense free trip to a state of the art training center in Crosby Texas.

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

Mass state hoisting License. NCCCO license with many endorsements. OSHA 10. Hazmat 40. Forklift cert. The NCCCO was the most beneficial because it's very hard to get and you really have to know the ins and outs of cranes, the laws, the load charts and you have to take practical tests on every crane you intend to run.

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

The International Union of Operating Engineers

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

The more training the higher the rate but in turn you will have better quality and more importantly it will be safer and safety always costs less money

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

When operators are more knowledgeable and highly trained they take pride in their licenses and would ~~know~~ know their cranes limits and would not over load or put themselves in dangerous situations that could

16. Please provide information about methods used by other states to regulate the crane operator occupation. be DEADLY!

General knowledge written exams. Specific crane (lattice crawler) or (telescopic swing cab) written exams And practical exams that are ALL TIMED.

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.

LICENSES = KNOWLEDGE = SAFETY = SAVING MONEY FROM AVOIDING ACCIDENTS AND/OR DEATH.



Request for Information from Interested Parties:
Sunrise Review for Resolve c. 75

***“Resolve, Directing the Commissioner of Professional and
Financial Regulation To Conduct a Sunrise Review Regarding
the Proposal To License Operators of Cranes”***

**Department of Professional and Financial Regulation
Office of the Commissioner
August 12, 2019**



***Sunrise Review Survey: Regulation of Crane Operators in
Maine***

Pursuant to 2019 Resolve c. 75

Please return the completed survey to Melissa Hinkley, Commissioner's Office, Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333-0035 or by email to Melissa.A.Hinkley@maine.gov by September 30, 2019.

General Information:

Completed by: MARK COLBERT

Title or Occupation: OPERATING ENGINEER

Organization Represented: (if applicable)

I.U.O.E., LOCAL 4

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many? YES, VARIES
2. Please describe the minimum skills, knowledge and training that a crane operator should possess. MINIMUM?! 1,000 HRS OF SUPERVISED TRAINING
3. What standards should be used to measure the competency of a crane operator? Why? N.C.C.O. STANDARDS ARE ACCEPTABLE AND ACKNOWLEDGED, NATIONWIDE.
4. What operation and safety standards apply to crane operators?
PLEASE REFER TO O.S.H.A./A.N.S.I. STANDARDS,
AND/OR ANY STATE REGULATIONS THAT MAY APPLY.

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability? I.U.O.E., LOCALLY RECOGNIZES OSHA, ANSI, N.C.C.C.O., OUR APPRENTICESHIP STANDARDS, AND ANY/OR ALL STANDARDS THAT APPLY.

6. Is the public in jeopardy in the absence of state regulation of crane operators?

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

OPERATORS SHOULD BE ABLE TO DISPLAY A MINIMUM OF SKILLS AND/OR TRAINING, IN ORDER TO PROTECT THE SAFETY OF THOSE ON THE JOB SITE AND ANYONE ELSE.

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

I DON'T KNOW

9. Has your company adopted mandatory OSHA standards for crane operators?

YES, I ONLY WORK WITH/FOR UNION CONTRACTORS

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

NOT THAT I'M AWARE OF; THE UNION STANDARDS HAVE ALWAYS BEEN ENOUGH TO SATISFY ANY CONTRACTOR'S STANDARDS

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

HAS'NT BEEN NECESSARY, LOCAL 4 OPERATORS ARRIVE ON THE JOB SITE FULLY LICENSED

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

I'VE OBTAINED ALL STATE LICENSES AVAILABLE, IN ADDITION TO N.C.C.C.O. LICENSES IN SIX CATEGORIES. MY CRANE OPERATOR TRAINING OCCURS BOTH IN THE FIELD, AND IN CLASSROOM STUDY/PREPARATION AS A RESULT OF MY LOCAL 4 APPRENTICESHIP.

THE N.C.C.C.O. TRAINING HAS BEEN MOST BENEFICIAL², BEYOND FIELD TRAINING, AS IT IS RECOGNIZED NATIONWIDE⁸³

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

LOCAL 4 REQUIRES ALL GRADUATING APPRENTICES TO HOLD ALL APPLICABLE STATE DEPT. OF PUBLIC SAFETY LICENSES, AS WELL AS N.C.C.O. CERTIFICATES, AS A CONDITION OF GRADUATION

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

I HAVE NO EVIDENCE, BUT I BELIEVE THE INCREASED COST OF WELL-TRAINED, PROFESSIONAL OPERATORS WOULD BE OFFSET BY LOWER INSURANCE PREMIUMS OFFERED BY A GRATEFUL INSURANCE INDUSTRY

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

WELL, THEY WOULD KNOW, AT A MINIMUM, THAT THE OPERATORS THEY'D HIRE WOULD AT LEAST HAVE A MINIMUM OF TRAINING, AND A MODICUM OF PROFESSIONALISM

16. Please provide information about methods used by other states to regulate the crane operator occupation.

I CAN NOT SPEAK TO THAT ISSUE; I WOULD ASK THAT YOU CONSULT NATIONAL RECORDS AS REGARDS LICENSING AND/OR INJURIES OR DEATHS

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.



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Please return the completed survey to Melissa Hinkley, Commissioner's Office, Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333-0035 or by email to Melissa.A.Hinkley@maine.gov by September 30, 2019.

General Information:

Completed by: *Scott Karlberg* (207) 452-6839
Title or Occupation: *Operating Engineer*
Organization Represented: (if applicable) *Local 4 I.U.O.E*

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

yes, 6

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

General knowledge, ability to properly read and understand load charts, ability to perform at minimum a crane course similar to the CCO requirements (Federal) Trained by journeyman operators and approved apprentice ~~separately~~.

3. What standards should be used to measure the competency of a crane operator? Why?

practical test as well as written test. Safety knowledge to ensure safe operation and industry safety standards as well as and practical skills test. All for safety.

4. What operation and safety standards apply to crane operators?

Refer to Bob's Crane and Rigging manual and CCO Requirements

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

CCCO standards and
Mass state licensing
Belt Crane and Rigging

6. Is the public in jeopardy in the absence of state regulation of crane operators?

Yes, improper operation will inevitably cause injury,
death and property damage. It's not "if" but
"when".

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

There are multiple accidents world wide.
Google "Big Blue", NY crane accidents and the
like.

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

Implement a standard test and you will know.

9. Has your company adopted mandatory OSHA standards for crane operators?

Yes.

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

Mass Hoisting licenses 1A, 1B

CCCO

Fed, state govt requires and insurance requires

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

CCCO was generally mandated by ins. companies
and then required federally.

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

CCCO before it was mandatory.

Local 4 Beginners crane course

Practical training at training ctr. Local 4

Access to properly trained veteran operators.

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

*Yes. To provide the best, safest and most qualified operators in the industry.
Mass Hoisting, CCO*

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

I would think insurance costs would shrink because a properly trained crane operator would have less accidents.

16. Please provide information about methods used by other states to regulate the crane operator occupation. *State licensing. Mass, RI, CT, NY*

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General Information:

Completed by: Bill LaFlamme

Title or Occupation Crane Training Instructor

Organization Represented: (if applicable) IUOE Local 4

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

My organization employs hundreds (IUOE)

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

Hand & eye coordination - good physical condition
High School graduate (at min.), Apprenticeship completion
Knowledge of the crane but also job knowledge.
Know all applicable standards (fed, state & local)

3. What standards should be used to measure the competency of a crane operator? Why?

Federal Certification requirements (test knowledge, written exams, practical)
State license test
Certification, licensing, qualification are very good.
Evaluating processes

4. What operation and safety standards apply to crane operators?

Federal Certification
Federal Qualification
State & Local Licensing

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

Refer to #2, #3, & #4

6. Is the public in jeopardy in the absence of state regulation of crane operators?

ABSOLUTELY - How do we know the operators are skilled
There is a great need for this so as to ensure the operator has the necessary talent & skills.

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

Too many to list.

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

95%

9. Has your company adopted mandatory OSHA standards for crane operators?

Yes

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

yes NCCCO & State Licensure

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

yes NCCCO + State Licensure

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

CCO
State Licensure

Fully crane certified
I am an accredited practical examiner for NCCCO
I am a Commissioner for NCCCO
I am also on the written exam committee for NCCCO

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

Yes

State & national

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

#1 Ensuring that the operators have the knowledge and skills to operate the crane in a safe and controlled manner to protect the public.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

These providers would have a "safe work environment" in order to pass the necessary exams the operators need to keep up to date with changing laws and regulations.

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Take a license test and pass.
Have a license requirement to keep it active by fees
Time to renew license for fees

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General Information:

Completed by: *Mitch Cunningham*
Title or Occupation: *Operating Engineer*
Organization Represented: (if applicable)

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

Yes / 4

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

*Able to Pass written NECCO Exam Tests
and Practical crane tests.*

3. What standards should be used to measure the competency of a crane operator? Why?

NECCO Exams and Practical Testing

4. What operation and safety standards apply to crane operators?

Full knowledge of cranes and OSHA Safety Standards.

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

Knowledge, continued education, practical training.

6. Is the public in jeopardy in the absence of state regulation of crane operators?

yes.

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

yes, a crane in New York fell over killing 2 people
Due to Improper crane set up and lack of crane

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

I'm sure there are several hundred.

9. Has your company adopted mandatory OSHA standards for crane operators?

yes

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

yes, We have a training center. NCCCO Training and Licensin

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

yes. So we can bring professionally trained operators
to Any jobsite. Hoisting Licenses and NCCCO

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

NCCCO LBT - Lattice Boom Crawler
TLL - Telescopic Boom crane swing cab
TSS - Telescopic Boom crane Fixed cab
BTF - Boom Trucks Fixed cap
STC - Service Truck Cranes

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

Yes NCCCO has toughest Testing exams and Practical Skills

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

State Regulation would secure properly trained operator and safety to workers and the public.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

It would ensure the contractors would have the proper training for their workers.

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Proper Licensing for equipment being operated.

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The training courses and NCCCO courses

has brought many skilled and knowledge to the Local 4 operators in Maine N.H and MASS

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General Information:

Completed by: *William E Juszcak*

Title or Occupation: *Mechanic / welder*

Organization Represented: (if applicable) *IUE Local 4*

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

yes 3

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

*Safe Rigging / how to Read load charts
Safe Set up of a crane*

3. What standards should be used to measure the competency of a crane operator? Why?

NCCCO

4. What operation and safety standards apply to crane operators?

OSHA 1926.1400 Cranes and Derricks

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability? *NCCO*

6. Is the public in jeopardy in the absence of state regulation of crane operators?

yes

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

*yes ; Boom Truck operator Dropped
a load of staging off of
a Roof on to a pedestrian*

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

9. Has your company adopted mandatory OSHA standards for crane operators?

yes

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

yes NCCO

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

yes NCCO

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

Massachusetts 1A Hoisting license

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

yes IUOE Local 4

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.



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General Information:

Completed by: *Richard Allard Jr*

Title or Occupation: *operating Engineer*

Organization Represented: (if applicable) *I.U.O.E Local 4*

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

yes, a 1,000

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

*A crane certification course
and a NCCCO course*

3. What standards should be used to measure the competency of a crane operator? Why?

*A competent person that has
experience in cranes*

4. What operation and safety standards apply to crane operators?

*We go through an intense training on all
the safety and operation of a crane*

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

we HAVE INSTRUCTORS WHO EVALUATE every crane operator, so they ARE TAUGHT the RIGHT & SAFE way of operating a crane

6. Is the public in jeopardy in the absence of state regulation of crane operators?

yes without a DOUBT

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

yes A Roofing company in Boston Hit some staging on a roof which fell and killed a lady walking by.

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

~~Probably~~ probably a lot that is not part of our organization

9. Has your company adopted mandatory OSHA standards for crane operators?

yes

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

yes - to make sure we HAVE the right training

"NCCO"

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

yes - to keep up with the new standards and to keep our members well skilled

"NCCO"

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

BOTH the crane course out Union trains us For and the NCCO course

~~both~~ which is CLASS ROOM & Field training

BOTH

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

Yes IUE Local 4

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

IT wouldn't cost the consumers anything, it's on the operator, there's courses out there they can take right on line to assure they are well trained for the consumers safety. or join a organization like IUES

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

IT would probably lower there insurance knowing the operators were certified to operate a crane

16. Please provide information about methods used by other states to regulate the crane operator occupation.

NCCCO is a nation crane certification course

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.

I've been an operating Engineer for over 34 years we are constantly going through training as the standards change on all the equipment. And I think every person should be trained and have all the correct licenses to operate equipment in a safe manner.

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General Information:

Completed by: Ju St John

Title or Occupation: manager

Organization Represented: (if applicable) Locke Crane

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

yes - 11

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

CCO
Hoisting license

3. What standards should be used to measure the competency of a crane operator? Why?

Osha Competency Standards
NCCO standards

4. What operation and safety standards apply to crane operators?

all

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

OSHA Compliance
Locke Crane Compliance
NCCO Compliance

6. Is the public in jeopardy in the absence of state regulation of crane operators?

legally yes

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

no

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

no

9. Has your company adopted mandatory OSHA standards for crane operators?

yes

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

yes

NCCO + Locke Crane compliance

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

no

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

NCCO

Hasting License

SAFETY
Locke Crane Service Compliance

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

Yes

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

no

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

They would have to get certified
and change their safety standards

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Needling of state
licenses

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General Information:

Completed by: *John Ross*

Title or Occupation: *Equipment Operator*

Organization Represented: (if applicable)

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

yes many

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

A crane operator should be licensed and should have to prove through a written and practical test, their ability to operate a crane

3. What standards should be used to measure the competency of a crane operator? Why?

they should be given written and practical tests that demand them to demonstrate their skills

4. What operation and safety standards apply to crane operators?

Written and CCO tests

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

We have a training center staffed by journey members that prepare operators for written and CCO tests

6. Is the public in jeopardy in the absence of state regulation of crane operators?

absolutely

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

We have no idea and there is no way to quantify this as the state of Maine doesn't require licenses

9. Has your company adopted mandatory OSHA standards for crane operators?

Yes most companies in ME hold their operators to higher than OSHA standards

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

CCO test

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.



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Maine
Pursuant to 2019 Resolve c. 75**

Please return the completed survey to Melissa Hinkley, Commissioner's Office, Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333-0035 or by email to Melissa.A.Hinkley@maine.gov by September 30, 2019.

General Information:

Completed by: David Osborn
Title or Occupation: Crane operator
Organization Represented: (if applicable) Local 4

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

10

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

Math / Geometry
attention to detail
understanding of OSHA Federal regulations

3. What standards should be used to measure the competency of a crane operator? Why?

Written testing
Knowledge of how a crane functions failure
To adhere to details could result in turnovers

4. What operation and safety standards apply to crane operators?

OSHA
ASME
NCCCO

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

NCCCO
ASME
OSHA

6. Is the public in jeopardy in the absence of state regulation of crane operators?

yes

poor operation easily can result in injury or death to bystanders

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

Crane operator didn't boom up enough and knocked over a guard rail on a roof it fell 50 ft and struck a pedestrian.

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

?

9. Has your company adopted mandatory OSHA standards for crane operators?

yes

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

No, we have State licence's and NCCCO certifications and DOT certification

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

yes, Signaller person
Rigging cert
Forklift cert.

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

NCCCO Training
Licence course training in Safety Solutions school in New York
MA CT RI and Union hall courses

The experience in a union hall is massive.
experienced operators ~~at~~ have lots of
situations they have been in and can pass off
that knowledge

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

yes it is a union Local 4

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

it would cut down on liability
much like a automobile driver - unlicensed and
uninsured - bad for the people who are

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

Better training = less risk

16. Please provide information about methods used by other states to regulate the crane operator occupation.

licences
Required continuing Education

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.



Request for Information from Interested Parties:
Sunrise Review for Resolve c. 75

*“Resolve, Directing the Commissioner of Professional and
Financial Regulation To Conduct a Sunrise Review Regarding
the Proposal To License Operators of Cranes”*

Department of Professional and Financial Regulation
Office of the Commissioner
August 12, 2019

**Sunrise Review Survey: Regulation of Crane Operators in
Maine**

Pursuant to 2019 Resolve c. 75

Please return the completed survey to Melissa Hinkley, Commissioner's Office, Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333-0035 or by email to Melissa.A.Hinkley@maine.gov by September 30, 2019.

General Information:

Completed by: TERAY LEAVITT

Title or Occupation: RETIRED HEAVY EQUIPMENT OPERATOR.

Organization Represented: (if applicable)
I.V.O.E. LOCAL 4

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

N/A

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

MUST BE AWARE OF TAG MAN'S SIGNALS, LOAD CHARTS, PROPER SET UP. SHOULD HAVE PLENTY OF OJT BEFORE OPERATING.

3. What standards should be used to measure the competency of a crane operator? Why?

FIELD TEST. - SHOWS ACTUAL ABILITY.

4. What operation and safety standards apply to crane operators?

HAND SIGNALS - RADIO COMMUNICATION.
KNOWLEDGE OF WIND SPEED RESTRICTIONS
PROPER SHUT DOWN AT END OF DAY.

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

APPRENTICESHIP PROGRAM.

6. Is the public in jeopardy in the absence of state regulation of crane operators?

YES THEY COULD BE.

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

NO

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

I DON'T KNOW

9. Has your company adopted mandatory OSHA standards for crane operators?

N/A

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

N/A

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

N/A

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

MASS. HOISTING LICENCE.

UNION APPRENTICESHIP

MOST BENEFICIAL IS ACTUAL OPERATION
OF THE CRANE.

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

YES. I.O.O.F. LOCAL 4. MUST BE MEMBER

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

THE COST SHOULD BE MINIMAL. POSSIBLY HIGHER WAGES FOR OPERATORS WHICH WOULD AFFECT COST.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

NOT SURE

16. Please provide information about methods used by other states to regulate the crane operator occupation.

MASS. REQUIRES A HOISTING LICENSE FOR ALL CRANE OR HOIST OPERATORS

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.



Request for Information from Interested Parties:

Sunrise Review for Resolve c. 75

“Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Operators of Cranes”

**Department of Professional and Financial Regulation
Office of the Commissioner
August 12, 2019**

*Sunrise Review Survey: Regulation of Crane Operators in
Maine
Pursuant to 2019 Resolve c. 75*

Please return the completed survey to Melissa Hinkley, Commissioner's Office, Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333-0035 or by email to Melissa.A.Hinkley@maine.gov by September 30, 2019.

General Information:

Completed by: Sean Christopher
Title or Occupation: Operating Engineer
Organization Represented: (if applicable)
Bond Brothers, Inc

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many? No
2. Please describe the minimum skills, knowledge and training that a crane operator should possess. Should know how to read and understand load charts. Good hand eye coordination, Ability to sit for long periods and concentrate on tasks at hand.
3. What standards should be used to measure the competency of a crane operator? Why? Mechanical knowledge should be licensed and certified to operate machine. Should be able to understand OSHA, ANSI & NCCCO Standards. Cranes have most accidents and operators should be knowledgeable safe and competent to operate machines to a set of standards.
4. What operation and safety standards apply to crane operators? Mass State Hoisting regulations, OSHA, & NCCCO
5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability? The company I work for does not employ crane operators. However, rented cranes on our jobsites require licensed and certified crane operators at all times.
6. Is the public in jeopardy in the absence of state regulation of crane operators? Absolutely! 100%
7. Are you aware of any actual instances in which a member of the public was harmed

physically by an act of a crane operator? Please describe.

Not having adequately trained, licensed and certified operators puts anyone around the crane ~~by~~ being operated. Not to mention any property that ~~can~~ could also be in area

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

Any crane operator who has not had to prove their skill and knowledge lacks the minimum skills. There is no way of knowing until they're tested to see if qualified

9. Has your company adopted mandatory OSHA standards for crane operators?

Yes

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

Yes. It is done because it is the law under OSHA and also the State of Massachusetts

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

No

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

I have a IA Hoisting license and also a NECCO TSS & TLL Crane certification. I've taken crane training classes for knowledge & skill and also on the job training to supplement formal training

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

Yes, NCCCO, MA State Hoisting license

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

Should not effect crane service at all. Will be a benefit

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

Not sure, but having better trained and knowle operators permit host anyone

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Testing

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Request for Information from Interested Parties:

Sunrise Review for Resolve c. 75

"Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Operators of Cranes"

**Department of Professional and Financial Regulation
Office of the Commissioner
August 12, 2019**

***Sunrise Review Survey: Regulation of Crane Operators in
Maine
Pursuant to 2019 Resolve c. 75***

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General Information:

Completed by: CHRISTOPHER BUTLER

Title or Occupation: OPERATING ENGINEER

Organization Represented: (if applicable)

MASSEY GLASS

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

YES 4

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

TRAINING + SEAT TIME IN A GOOD UNION APPRENTICESHIP PROGRAM

3. What standards should be used to measure the competency of a crane operator? Why?

SHOULD POSSESS A HOISTING LICENSE HAVE EXPERIENCE OPERATING CRANES + HAVE THEIR CCCO

4. What operation and safety standards apply to crane operators?

OSHA
CRANES + DERRICKS SAFETY STANDARDS 1910-1926
29CFR

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

THEY OWNER QUALIFY'S EACH OPERATOR ON THEIR CRANE

6. Is the public in jeopardy in the absence of state regulation of crane operators?

YES

physically by an act of a crane operator? Please describe.

- YES RECENTLY A ROOFING COMPANY IN THE NORTH END OF BOSTON WAS CITED FOR SEVERAL VIOLATIONS AND PUT A WOMAN IN THE HOSPITAL IN CRITICAL CONDITION FOR NOT FOLLOWING THE OSHA STANDARDS
8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?
- TO MANY

9. Has your company adopted mandatory OSHA standards for crane operators?

YES AND THE CCCO

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

YES BECAUSE CCCO HAS MORE IN DEPTH STANDARDS THEY FOLLOW AND REQUIRE THE OPERATOR TO TEST + HAVE PRACTICAL TESTS AS WELL

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

YES CCCO

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

- SEABRES CRANE OPERATOR SCHOOL W/ ALL ATTACHMENTS
- CCCO
- PLUS 40 YRS EXPERIENCE OPERATING

2

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

YES CCCO AND PROCESS A MASSACHUSETTS HOISTING LICENSE THRU THE DEPT. OF SAFETY

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

IT WOULD KEEP COSTS DOWN THRU PROPER TRAINING + LICENSING AND LESS ACCIDENTS

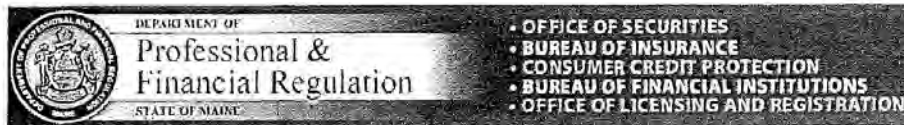
15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

IF THE OPERATORS STATE REGULATION WOULD BRING COSTS DOWN BECAUSE OF THE PROPER TRAINING

16. Please provide information about methods used by other states to regulate the crane operator occupation.

CCCCO

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Sunrise Review for Resolve c. 75

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**Department of Professional and Financial Regulation
Office of the Commissioner
August 12, 2019**

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Maine
Pursuant to 2019 Resolve c. 75***

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General Information:

Completed by: Philip A. Doherty

Title or Occupation: OPERATOR

Organization Represented: (if applicable) HAYWARD BAKER / KELLER

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

Yes 4

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

Crane operator should be fully licensed and qualified to operate the machine assigned. Training is key to a safe job site.

3. What standards should be used to measure the competency of a crane operator? Why?

A crane operator should be tested by a governing entity on his/her knowledge and competence in running the equipment.

4. What operation and safety standards apply to crane operators?

OSHA STANDARD FOR CRANE OPERATION should prevail.

NCCO license should also be factored in.

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

A valid state license issued by that particular governing office and a NCCO license if it pertains to a crane or pile driver.

6. Is the public in jeopardy in the absence of state regulation of crane operators?

Absolutely. Licensing is a key factor in determining, understanding and operating heavy equipment.

7. Are you aware of any actual instances in which a member of the public was harmed

physically by an act of a crane operator? Please describe.

No particular accident comes to mind in our local area. Although, many, many accidents have occurred when crane safety was not priority.

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

I am sure there are many.

9. Has your company adopted mandatory OSHA standards for crane operators?

Yes indeed, OSHA STANDARDS and NCCCO STANDARDS are part of our safety program in the New England States.

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

HB employs only certified crane operators regulated by the state in which the work is being performed.

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

ITS NOT VOLUNTARY, ITS MANDATORY AT HB.

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

I have a Massachusetts 1A Hoisting Lic and a full license in the state of Rhode Island which allows me to run cranes. I also have a Federal NCCCO license which requires many hours of training.

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

HB DOES REQUIRE OUR OPERATORS TO BE ASSOCIATED WITH NCCCO.

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

Maine should have safety in mind when allowing a person to operate a crane or heavy equipment. The operator should be duly qualified and licensed.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

Current service providers of cranes should know¹³¹ the

same training throughout the industry. No one
should be exempt from proper training and licensing.

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Massachusetts requires a written test to qualify and license a candidate to operate that particular class of crane.
Rhode Island also regulates the operator of cranes in their state.

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.



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Sunrise Review for Resolve c. 75

“Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Operators of Cranes”

Department of Professional and Financial Regulation

Office of the Commissioner

August 12, 2019

***Sunrise Review Survey: Regulation of Crane Operators in
Maine***

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General Information:

Completed by:

Christopher Fogarty

Title or Occupation:

OPERATING ENGINEER

Organization Represented: (if applicable)

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

YES

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

COMPETENT IN ALL ASPECTS OF CRANE OPERATION, SAFETY PARAMETERS AND RIGGING, TRANSPORTATION AS WELL AS ASM STANDARDS

3. What standards should be used to measure the competency of a crane operator? Why?

LICENSING AND TESTING

4. What operation and safety standards apply to crane operators?

NCCO, OSHA

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

APPRENTICESHIP TRAINING, LICENSING

6. Is the public in jeopardy in the absence of state regulation of crane operators?

ABSOLUTELY, YOU NEED A LICENSE TO DO EVERYTHING BUT THAT. INSANE

7. Are you aware of any actual instances in which a member of the public was harmed

YES

physically by an act of a crane operator? Please describe.

yes, OPERATOR DROPPED something on pedestrian
because he was not familiar with crane or Licensed

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

I would say 75% -

9. Has your company adopted mandatory OSHA standards for crane operators?

yes

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

NO, NATIONAL NCCCO

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

NO

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

NCCCO, MASS STATE HOISTING LICENSE

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

yes, IUOE LOCAL 4

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

- The liability for the owners and public
SAFETY should speak FOR ITSELF, ACCOUNTABILITY

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

INSURANCE RATES would be BETTER 135

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Mass. Dept of Safety Along with OSHA police it well

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.

IT IS Reckless and Lawless in my opinion THAT
There is no standard Regulation or policing on
Behalf of The public. Shamefull



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Office of the Commissioner
August 12, 2019**

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Maine
Pursuant to 2019 Resolve c. 75***

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General Information:

Completed by: Bob Tripp

Title or Occupation: exv. crane operator

Organization Represented: (if applicable)

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

2

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

understanding all of your crane operations,
signaling, Rigging, I can't express enough common
- sense

3. What standards should be used to measure the competency of a crane operator? Why?

High - You can't have some IDiot swinging
thing out of control. I have seen it IDiots
Don't belong in a crane

4. What operation and safety standards apply to crane operators?

Higher standards

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

Yard work supervised with me.
The others I don't think anything

6. Is the public in jeopardy in the absence of state regulation of crane operators?

Yes

physically by an act of a crane operator? Please describe.

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

9. Has your company adopted mandatory OSHA standards for crane operators?

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

2

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

16. Please provide information about methods used by other states to regulate the crane operator occupation.

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General Information:

Completed by: J Cruz

Title or Occupation: operator

Organization Represented: (if applicable)

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many? NO

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

all crane operators needs all the training is

3. What standards should be used to measure the competency of a crane operator? Why?

Be aware every thing he does

4. What operation and safety standards apply to crane operators?

Be safe all times no shut cones

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

Be level 100% all ways

6. Is the public in jeopardy in the absence of state regulation of crane operators?

physically by an act of a crane operator? Please describe.

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

9. Has your company adopted mandatory OSHA standards for crane operators? *NO*

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

Excavators

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

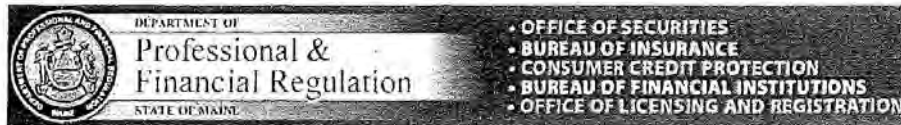
14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

16. Please provide information about methods used by other states to regulate the crane operator occupation.

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All ways go true the work plan, safety comes first.



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General Information:

Completed by: William F. Bertrand

Title or Occupation: Local #4

Organization Represented: (if applicable)

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

no

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

all That They Require.
lots of time in the seat

3. What standards should be used to measure the competency of a crane operator? Why?

another crane operator should watch and
He should Be Licensed

4. What operation and safety standards apply to crane operators?

they must Have a Hoisting License and Trained.

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

Hoisting License

6. Is the public in jeopardy in the absence of state regulation of crane operators?

yes

7. Are you aware of any actual instances in which a member of the public was harmed

no

physically by an act of a crane operator? Please describe.

no

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

all of them ~~that~~ That are not Local #4
They Have no Lincere

9. Has your company adopted mandatory OSHA standards for crane operators?

YES

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

State and Federal

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

you need your Hoisting Lincere and Federal Lincere

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

Local #4 School - Hoisting Lincere

2

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

Yes - Because The operator is
Better Trained

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

no - The company's Get all the money
now For the Crane.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

The state of Maine Does not Have The
Lincere

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.



Request for Information from Interested Parties:

Sunrise Review for Resolve c. 75

"Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Operators of Cranes"

**Department of Professional and Financial Regulation
Office of the Commissioner
August 12, 2019**

*Sunrise Review Survey: Regulation of Crane Operators in
Maine
Pursuant to 2019 Resolve c. 75*

Please return the completed survey to Melissa Hinkley, Commissioner's Office, Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333-0035 or by email to Melissa.A.Hinkley@maine.gov by September 30, 2019.

General Information:

Completed by: Scott Billingsley

Title or Occupation: Operating Engineer

Organization Represented: (if applicable)

J.F. White

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many? Yes 6-10

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

Crane operators should be able to properly figure out load charts. Knowledge of Assembly and disassembly of crane. Knowledge of hand signals.

3. What standards should be used to measure the competency of a crane operator? Why?

Crane operators should be measured by the OSHA standards and also the NCCO standards.

4. What operation and safety standards apply to crane operators?

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

OSHA - NCCO plus Mass hoisting laws.

6. Is the public in jeopardy in the absence of state regulation of crane operators? Yes.

A untrained operator could cause significant damage or even death if he/she does not possess the skills to operate a crane.

7. Are you aware of any actual instances in which a member of the public was harmed

yes recently in Boston a lady was hit by a railing that a

physically by an act of a crane operator? Please describe. *crane had struck knocking it off the roof of a building.*

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

9. Has your company adopted mandatory OSHA standards for crane operators? *yes.*

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications? *yes NCCCO*
They want properly trained competent operators in the seat.

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why? *Mass hoisting license 1A 2A 3A 4B CDEF G*
NCCCO
Lattice Boom truck Crane *Boom Trucks.*
Lattice Boom Crawler Crane. *Service Truck cranes.*
Telescopic Boom Crane Swing cab
Telescopic Boom Crane fixed cab.

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?
yes NCCCO.

This way they know that you have been properly trained by a third party organization.

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

It shouldn't cost them more if anything Insurance may lower the rates for a certified operator.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.



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General Information:

Completed by: *Anthony Bonomi*

Title or Occupation: *Operator*

Organization Represented: (if applicable)
max Crane

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

yes ~~no~~
60

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

NCCO and State License

3. What standards should be used to measure the competency of a crane operator? Why?

NCCO
Because IFS The Federal Law

4. What operation and safety standards apply to crane operators?

Federal Law

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

They evaluate all operators

6. Is the public in jeopardy in the absence of state regulation of crane operators?

no

7. Are you aware of any actual instances in which a member of the public was harmed

physically by an act of a crane operator? Please describe.

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

50%

9. Has your company adopted mandatory OSHA standards for crane operators?

yes

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

yes

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

yes

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

NCCCO OMT 5275 Certification
and yes very Beneficial

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

yes Local 4

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

IT would be Safer!!!

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Safe work Place

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General Information:

Completed by: **DAVID GRAMOLINI**

Title or Occupation: **OPERATING ENGINEER**

Organization Represented: (if applicable)

**INTERNATIONAL UNION OF OPERATING ENGINEERS,
LOCAL 4 BOSTON MA**

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

YES, VERY MANY (WORLDWIDE)

2. Please describe the minimum skills, knowledge and training that a crane operator should possess. **ABILITY TO SET UP, OPERATE AND MAINTAIN ALL TYPES OF CRANES, AND TO WORK SAFELY AND HARMONIOUSLY WITH OTHER TRADES. TRAINING SHOULD CONSIST OF CLASSROOM AND ON THE JOB APPRENTICESHIP TRAINING.**

3. What standards should be used to measure the competency of a crane operator? Why?

THE ABILITY TO PASS CLASSROOM AND PRACTICAL EXAMS TO OBTAIN PROPER LICENSURE - THIS WOULD BE A GOOD GAGE OF COMPETENCY.

4. What operation and safety standards apply to crane operators?

I WOULD REFER TO OSHA 29 CFR 1910

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

STATE LICENCING REQUIRED, NCCO REQUIRED,
AND ON SITE SKILLS TEST PERFORMED

6. Is the public in jeopardy in the absence of state regulation of crane operators?

YES

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe. YES, ALTHOUGH NOT SOLELY THE OPERATOR'S FAULT, A PEDESTRIAN WAS INJURED SERIOUSLY IN BOSTON'S NORTH END. JULY 26, 2019

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

I DO NOT KNOW

9. Has your company adopted mandatory OSHA standards for crane operators?

YES

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

YES, TO INSURE OPERATOR IS QUALIFIED.
MASS. HOISTING LICENCE, NCCO CERTIFICATION

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

YES - TO INCREASE KNOWLEDGE & SAFETY FOR
CRANE OPERATIONS. RIGGING CLASSES, CRANE
TAGGING INSTRUCTION, CRANE SAFETY TRAINING

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

MASS HOISTING LICENCES, NCCO.

I'VE OBTAINED CLASSROOM AND ON THE JOB
APPRENTICESHIP TRAINING THROUGH IOOE LOCAL 4,
BOTH ARE VERY BENEFICIAL, ON THE JOB
TRAINING MOST BENEFICIAL, NO SUBSTITUTE FOR
AND THE EQUIPMENT WITH TOWN HUMAN OPERATOR.

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

YES, TO INSURE OPERATOR IS QUALIFIED.
MASS. HOISTING LICENCE, NCCO

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

I WOULD ASK: WHAT COST IS PEACE OF MIND
KNOWING LICENCED / COMPETENT / EXPERIENCED / SAFETY MINDED
ACCOUNTABLE OPERATOR IS AT THE CONTROLS?

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

I WOULD THINK THAT IT WOULD AFFECT THEM ALL
EQUALLY, WITH EVERYONE ON THE SAME
"PLAYING FIELD"

16. Please provide information about methods used by other states to regulate the crane operator occupation.

MASS. HOISTING LICENCE REQUIRED - OSHA TRAINING REQ
CONTINUING EDUCATION FOR RENEWAL OF HOISTING LIC. REQ.

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General Information:

Completed by: *David Mulvey*
Title or Occupation: *Local 4 operating Engineer*
Organization Represented: (if applicable) *-*

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

No

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

All Aspects of Heavy Construction. They have a high risk job

3. What standards should be used to measure the competency of a crane operator? Why?

*2 years apprentice or 1000 hrs field
500 hrs Class Im being generous, I didn't get in seat
until I had 8 yrs in the field*

4. What operation and safety standards apply to crane operators?

All.

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

Apprenticeship and High End Quality Training

6. Is the public in jeopardy in the absence of state regulation of crane operators?

100% Sure

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

Boston. 2 Times this year

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

Who Knows Because its not Regulated

9. Has your company adopted mandatory OSHA standards for crane operators?

Yes

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

Not Crane But all it's others

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

They dont have to they intrust Local 4 to do it for them

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

Yes Local 4

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

It would but in a positive way. Trained
Tested
Approved operators

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

It wouldn't it would lower their insurance by
having properly trained operators

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Mass Local 4

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Standards and Regulations are a
Must for our industry.



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General Information:

Completed by: *Walter E Regan*

Title or Occupation: *Heavy Equipment Operator Master Mechanic*

Organization Represented: (if applicable)

IUE Local #4

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

Yes

2. Please describe the minimum skills, knowledge and training that a crane operator should possess. *must be able to understand Load charts and all the requirements for setting up a crane*

3. What standards should be used to measure the competency of a crane operator? Why?

Written test and

4. What operation and safety standards apply to crane operators?

National Crane Operators Licensing

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

We use the NCCCO standards

6. Is the public in jeopardy in the absence of state regulation of crane operators?

Yes

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

Yes

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

80% would be a good number

9. Has your company adopted mandatory OSHA standards for crane operators?

Yes

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

Yes

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

Yes

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

NCCCO, Ma State Hoisting License, Local #4
Apprenticeship Graduate

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

yes

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

None it would save money by lowering Insurance cost

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

None it would benefit there company by having a trained and competent operator

16. Please provide information about methods used by other states to regulate the crane operator occupation.

mass has full license for all operators including all construction Equipment

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General Information:

Completed by: Charles Chittick

Title or Occupation: Crane Operator

Organization Represented: (if applicable) International Union of Operating Engineers
Local 4 Boston Mass

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

Four

2. Please describe the minimum skills, knowledge and training that a crane operator should possess. a state licensing requirement at the minimum/The NCCCO
training is very helpful in keeping operators up to date
on all ~~the~~ new regulations

3. What standards should be used to measure the competency of a crane operator? Why?

OSHA Standards 29 CFR 1926

ANSI B30

4. What operation and safety standards apply to crane operators?

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

The National Commission for the Certification of Crane Operators
NCCCO

6. Is the public in jeopardy in the absence of state regulation of crane operators?

IF you are NOT up to date on the ever changing technology

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

9. Has your company adopted mandatory OSHA standards for crane operators?

Yes

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

Yes its the law in the State of Mass. A State License,
with Third Party NCCCO license testing

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

① OSHA 30 hour
Mandatory ② State license
③ NCCCO license

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

① OSHA 30 hour
② State license renew every 2 yrs
③ NCCCO license renew every 5 yrs
④ Rigger / Signalman training

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

- ① Yes ② Because we have a training center that we can use at any time to hone our skills
③ Local & training center

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

It would raise the safety bar on job sites and for the public, it might also save companies ~~on~~ on insurance

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Testing

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General Information:

Completed by: *JOSEPH M. ARIES*

Title or Occupation: *OPERATOR COW: LOCAL 4*

Organization Represented: (if applicable)

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

YES LOCAL 4

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

SCHOOL + YRS

3. What standards should be used to measure the competency of a crane operator? Why?

TYPE OF CRANE'S SCHOOLING + YRS

4. What operation and safety standards apply to crane operators?

*TYPE OF SAFETY COURSE'S
+ YRS*

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

APPRENTICESHOODING
TYPE OF LICENCE + YRS

6. Is the public in jeopardy in the absence of state regulation of crane operators?

VERY MUCH IF THE CRANE NOT
PROPERLY RUN PEOPLE CAN BE HURT
OR WORSE

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

YES NOT KNOWING HOW TO USE CONTROLS
NOT KNOWING THE PROPER OPERATION
PEOPLE WILL GET HURT

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

NOT PROPERLY SCHOOL & TRAINED
LACK SKILLS

9. Has your company adopted mandatory OSHA standards for crane operators?

BIG TIME

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

THEY MUST HAVE PROPER LICENCE
AND TRAINING

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

THEY ~~AT~~ NEED PROPER LICENCE
AND TRAINING

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

TYPE'S OF CRANE NEED PROPER TRAINING
DEPENDING ON TYPE'S OF CRANE YOU CAN RUN
A TRUCK CRANE OR A TOWER CRANE
WITHOUT SCHOOLING & TRAINING, ANY TYPE'S
ARE DIFFERENT TO RUN

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

YES, ✓ WITH PROPER LICENSE + TRAINING
AND OSHA APPROVED

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

PROPER KNOWLEDGE + SAFETY

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

PEOPLE DON'T GET HURT

16. Please provide information about methods used by other states to regulate the crane operator occupation.

ASK ROBERT BURR

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General Information:

Completed by: *Michael Rogers*

Title or Occupation: *operating engineer*

Organization Represented: (if applicable)

IUOE Local 4

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?
yes, two
2. Please describe the minimum skills, knowledge and training that a crane operator should possess. *a license*
3. What standards should be used to measure the competency of a crane operator? Why?
licensing, Because it ensures the safety and welfare of the citizens through regulation.
4. What operation and safety standards apply to crane operators?
OSHA

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability? *first there is schooling followed by hours on a simulator. you apply for a license that requires a yearly refresher.*
6. Is the public in jeopardy in the absence of state regulation of crane operators? *absolutely no question, crane accidents still happen to this day with a competent person in the seat. I could only imagine that risk goes up without a licensing in place.*
7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe. *no not personally But I've heard plenty of horror stories*
8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator? *I don't know*
9. Has your company adopted mandatory OSHA standards for crane operators? *yes osha 10 hour course is mandatory to even step foot on a job let alone operate a crane*
10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications? *not that I'm aware of. I believe they think that licensing is enough.*
11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications? *yes, you can get as many certifications you want the more knowledge the better.*
12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why? *I have not yet gone for a crane license, it's a lot of responsibility and tough test to pass and take*

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

16. Please provide information about methods used by other states to regulate the crane operator occupation.

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General Information:

Completed by: William McGuinness

Title or Occupation: Crane operator

Organization Represented: (if applicable)

Maxim Crane, IUOE Local A

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

YES - 40

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

The operator should be confident and competent in all aspects of crane operation, Rigging, Transport as well as OSHA standards

3. What standards should be used to measure the competency of a crane operator? Why?

Licensing and testing Yearly

4. What operation and safety standards apply to crane operators?

OSHA, ANSI, Local licensing regs and NCCCO

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

Apprenticeship Training Consistent education and licencing

6. Is the public in jeopardy in the absence of state regulation of crane operators?

You need a license to drive a car safely, I Believe unlicenced and untrained operators are a serious Risk

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

A woman was seriously hurt in Boston last month by a unlicenced crane operator

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

Hard to say without Regulation and Enforcement in place

9. Has your company adopted mandatory OSHA standards for crane operators?

Yes

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

YES, NCCCO

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

NCCCO is Federal Law for all operators in all states

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

Nothing is Voluntary, Licencing is mandatory - I have found Apprenticeship Training, The NCCCO, and all mandatory refresher Courses to maintain licence

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

YES - IUOE Local 4

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

It would not affect it all, Liability for the owner and Public safety should speak for it self

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

Insurance rates would be cheaper

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Ma. Dept of Public safety and OSHA Police it well

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.



Request for Information from Interested Parties:
Sunrise Review for Resolve c. 75

“Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Operators of Cranes”

Department of Professional and Financial Regulation
Office of the Commissioner
August 12, 2019



SECRET

**Sunrise Review Survey: Regulation of Crane Operators in
Maine
Pursuant to 2019 Resolve c. 75**

Please return the completed survey to Melissa Hinkley, Commissioner's Office, Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333-0035 or by email to Melissa.A.Hinkley@maine.gov by September 30, 2019.

General Information:

Completed by: *Steve Lawrence*
Title or Occupation: *operating engineer IAWO local 4 (Crane operator)*
Organization Represented: (if applicable) *Bay Crane M.E.*

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?
Approximately 25 operators
2. Please describe the minimum skills, knowledge and training that a crane operator should possess. *Daily Equipment inspection, Rigging gear insp, Ground conditions, Hand signals, load charts, Min. distance to Electric Power lines, Effects of wind on crane load, (safe wind speeds)*
3. What standards should be used to measure the competency of a crane operator? Why?
I feel NCCCO is one of the best to measure competency because it separates cranes into categories and includes a practical exam.
4. What operation and safety standards apply to crane operators?
*OSHA 1926
ANSI/ASME B30.5
MA. GL. 146 (Mass.)*

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability? *NCCCO.*

6. Is the public in jeopardy in the absence of state regulation of crane operators?

yes anyone in close vicinity of a crane, working radius of a crane is in Jeopardy.

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

yes. A woman was struck by A safety Guard Rail That was knocked off a building by a crane as she walked on the sidewalk

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

9. Has your company adopted mandatory OSHA standards for crane operators?

yes

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

All operators are NCCCO certified, and qualified per OSHA standards.

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

I UOE local 4 apprenticeship Program

NCCCO.

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.



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General Information:

Completed by: *Steve Lawrence*

Title or Occupation: *operating engineer IROE local 4 (Crane operator)*

Organization Represented: (if applicable) *Bay Crane M.E.*

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

Approximately 25 operators

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

Daily Equipment inspection, Rigging Gear insp, Ground conditions, Hand signals, load charts, Min. distance to Electric Power lines, Effects of wind on crane load, (safe wind speeds)

3. What standards should be used to measure the competency of a crane operator? Why?

I feel NCCCO is one of the best to measure competency because it separates cranes into categories and includes a practical exam.

4. What operation and safety standards apply to crane operators?

OSHA 1926

ANSI/ASME B30.5

MA, GL. 146 (Mass.)

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability? *NCCCO.*

6. Is the public in jeopardy in the absence of state regulation of crane operators?

YES anyone in close vicinity of a crane, working radius of a crane is in Jeopardy.

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

YES. A woman was stuck by A safety Guard Rail That was knocked off a building by a crane as she walked on the sidewalk

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

9. Has your company adopted mandatory OSHA standards for crane operators?

YES

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

All operators are NCCCO certified, and qualified per OSHA standards.

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

I UOE local 4 apprenticeship Program

NCCCO.

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

16. Please provide information about methods used by other states to regulate the crane operator occupation.

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General Information:

Completed by: Jonathan R LaFlamme

Title or Occupation: Operating Engineer

Organization Represented: (if applicable) IUOE Local 4

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many? Yes, Over 50
2. Please describe the minimum skills, knowledge and training that a crane operator should possess. Safe training in operations and maintenance of cranes, Also should possess basic rigging and signaling of cranes.
3. What standards should be used to measure the competency of a crane operator? Why? OSHA and ANSI standards are the measurements to use as they are the ones also used in the NCCCO Licenses needed to operate cranes.
4. What operation and safety standards apply to crane operators? All federal operation and safety standards apply as well as state standards should apply.

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability? *Our organization uses federal and state standards to evaluate and measure an operators skill and ability to safely operate cranes.*
6. Is the public in jeopardy in the absence of state regulation of crane operators? *Yes.*
7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe. *In August of 2014 a pedestrian was struck by construction material that fell from a crane in the North End of Boston, MA.*
8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator? *Mostly all of the crane operators are with the exception of the ones properly trained by the IUOE Local 4.*
9. Has your company adopted mandatory OSHA standards for crane operators? *Yes*
10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications? *Yes, It is state and federal law in my home state as well as many others.*
11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications? *Yes, It is not a harmful thing to have as much training as possible when it comes to crane operations.*
12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why? *I completed a four year apprenticeship program which I trained and tested for all MA hoisting licenses and most all of the NCCCO crane certifications. I have taken a crane class in Texas to further my training as well. All training was beneficial to make me safer and a better crane operator.*

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations? *Yes. It is for a safety and proper operation of cranes. It ensures all operators know and understand proper operations of cranes. MA hoisting license, NCCCO certifications.*
14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response. *I don't believe it would affect the cost of crane service to consumers. In MA it cost less than \$100 to take a state hoisting exam. The public should feel safer knowing operators are licensed.*
15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response. *It would positively affect contractors. They would know that crane operators have written knowledge of basic crane operation and safety.*
16. Please provide information about methods used by other states to regulate the crane operator occupation. *MA has a license system that once you obtain a hoisting license every two years you need to complete a continuing education class to renew your license.*

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.

It is harmful to the public in Maine to not have crane operators properly trained and licensed. As of right now anyone can get in a crane and try to operate it with no license. You can't drive a car or truck without a license can you? No. You have to have training and a license that needs renewal. Crane operating is very dangerous and should not be done without proper training and licenses.



DEPARTMENT OF

**Professional &
Financial Regulation**

STATE OF MAINE

- OFFICE OF SECURITIES
- BUREAU OF INSURANCE
- CONSUMER CREDIT PROTECTION
- BUREAU OF FINANCIAL INSTITUTIONS
- OFFICE OF LICENSING AND REGISTRATION

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General Information:

Completed by:

Thomas F Flanagan

Title or Occupation:

operating Eng.

Organization Represented: (if applicable)

Louis #4 TUG

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

yes

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

CCO & LICMSS.

3. What standards should be used to measure the competency of a crane operator? Why?

*Should Have very good knowledge Should be
A Trained Individual - So They Don't Harm or Kill
anyone*

4. What operation and safety standards apply to crane operators?

State & National Code.

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability? *we offer classes to get the proper lic.*
6. Is the public in jeopardy in the absence of state regulation of crane operators?
Yes.
7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe. *Tip over wrecked a Building.*
8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?
9. Has your company adopted mandatory OSHA standards for crane operators?
Yes.
10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications? *Yes*
11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications? *Yes*
12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?
was trained at the local #4 Training Center

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.



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General Information:

Completed by: Gary D. Newhewey

Title or Occupation: Equipment operator

Organization Represented: (if applicable)

Local - 4 Boston - MA

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?
Our Local does NOT sure of amount
2. Please describe the minimum skills, knowledge and training that a crane operator should possess. Should have as 1A STATE Licence
And The NCCO
3. What standards should be used to measure the competency of a crane operator? Why?
Testing should be done OR RENEWAL Every 5hrs
Laws change + cranes change
4. What operation and safety standards apply to crane operators?
OSHA A 100 percent
Cranes change manufacture ARE different from
crane to crane
You as a crane operator ARE responsible once
The load leaves the ground / For Rigging
The whole LIFT- Pre Inspection / LIFT Plan₂₀₂ ETC.

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability? *WE CARRY A STATE HYD LISENCE WITH CONTINUING - Ed EVERY 2 YRS / NCCO - EVERY FIVE YEAR - AND A PRACTICAL TEST*
6. Is the public in jeopardy in the absence of state regulation of crane operators?
100 PERCENT TO PUT AN UNLISENCE OPERATOR IN THE SEAT COULD BE CATASTORFIC
7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.
YES - IN BOSTON AN UNLISENCE OPERATOR WAS RUNNING A BOOM TRUCK AND HIT RAILINGS ON ROOF CAME DOWN ON A WOMEN
8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?
NOT SURE
9. Has your company adopted mandatory OSHA standards for crane operators?
yes
10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?
yes / NCCO BECAUSE YOUR GETTING SAFE COMPETANT OPERATOR
11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?
yes NCCO BECAUSE IT MAKES THE JOB SAFER
12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?
*STATE LISENCE 1A - AND NCCO
BOTH OF THESE LISENCES HELP + ARE TRAINING CENTER*

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

STATE REQUIRES US TO CARRY AT LEAST ONE LICENSE
FOR CRANE AND NOW NCCCO
OSHA IS REQUIRING IT NOW

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

SAFETY HAS NO PRICE / BEING TRAINED + CERTIFIED
IS THE MOST IMPORTANT

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

I WOULD THINK THE SERVICE PROVIDERS WOULD
WANT LICENSE CERTIFIED OPERATORS
JUST MAKES SENSE

16. Please provide information about methods used by other states to regulate the crane operator occupation.

I KNOW / CT + RI HAVE THE
SAME AS MASS

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.

JUST KNOW EVERYDAY A CRANE GOES
OUT WITH AN UNLICENSED OPERATOR THE
PUBLIC IS AT RISK. MAKE IT SAFE FOR
OPERATOR + PUBLIC.

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General Information:

Completed by: *Peter Carpenter*
Title or Occupation: *Operating Engineer*

Organization Represented: (if applicable)

International Union of Operating Engineers, Local 4

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

Yes 5

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

*Knowledge of standard crane hand signals
Proper crane set up
Pre operation maintenance and inspection
Ability to correctly read load charts*

3. What standards should be used to measure the competency of a crane operator? Why?

*NCCCO Crane operator certification and practical examination
this is a rigorous, challenging certification process that demonstrates
a candidate's technical knowledge, practical ability to actually operate*

4. What operation and safety standards apply to crane operators?

*and verification of
operational seat time,
OSHA 1926, Subpart CC
Massachusetts's 520 CMR 6.00
ANSI/ASME B30.5, B30.3*

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

NCCCO Certification and practical exam

6. Is the public in jeopardy in the absence of state regulation of crane operators?

Extremely! Incompetent crane operators hurt and kill people

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

In Boston's North End, A truck crane using an unlicensed operator dropped a load off the roof of a building and injured a member of the public walking to work.

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

The operators of cranes in Maine, not part of the Operating Engineers have absolutely no testing, training, certification or verification of competency and operational experience.

9. Has your company adopted mandatory OSHA standards for crane operators?

Our company has adopted all crane safety standards written by OSHA and ASME B30.5/B30.3

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

Yes, this is the most practical, actual verification of a crane operator and it tests the thoroughness of a crane operator's technical knowledge as well. NCCCO certification

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

No voluntary certifications. The NCCCO Certification is mandatory for our crane operators

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

NCCCO crane operator certification

Massachusetts Hoisting License with 1A, 2A, 3A, 4A restriction

D.O.T. Medical Examination Certificate

Valid Drivers License

H&P Engineers Training Center, Local 4 - Apprenticeship - 8,000 hrs.

The apprentice program provides real seat time on jobsites with a certified operator as a supervisor

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

International Union of Operating Engineers, Local #4
This organization provides the most professional, safe, trained, drug free workforce of crane operators in the industry.

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

I believe the regulation would lower costs to Maine consumers by providing safe, efficient, trained operators. The productivity with professional operators will increase and costs from damages and injuries eliminate.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

I believe the current service providers will make sure their employees get the required training and turn to professional organizations for assistance in accomplishing this.

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Massachusetts requires a state hoisting license obtained by taking a written test and documenting/verifying operating experience and training.

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.

A standard hoisting license and certification for crane operators is a must in this industry. The cranes are getting larger, lifting heavier, pre fabricated pieces and the cranes themselves are becoming more complex. These machines are precisely engineered to lift heavy loads under very specific conditions. Proper training, knowledge, experience and skill level are essential to operating cranes safely on today's construction sites. A crane operators license is essential to protecting the health and safety of the general public. Creating a licensing program for crane operators in today's industry is a must. Insurance and bonding is not a preventative measure to protect the public.



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General Information:

Completed by: John Ciccone

Title or Occupation: Operating Engineer / Crane Operator

Organization Represented: (if applicable) IUOE Local 4 - J.L. Marshall & Sons Inc.
3 Clara St Seekonk MA

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

⑤ J.L. Marshall has 5 cranes. Usually they are always working.

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

Time spent working as an apprentice on cranes. Years of service

3. What standards should be used to measure the competency of a crane operator? Why?

License/certifications. Why? What other standard could you use?
good looks?

4. What operation and safety standards apply to crane operators?

OSHA has full standard for crane operators

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

1. License
2. OSHA approved - crane certification
3. DOT physical

6. Is the public in jeopardy in the absence of state regulation of crane operators?

Absolutely! All heavy construction equipment presents danger to the public, however cranes pose greatest risk... They tip over!

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

YouTube is full of terrible crane accidents!

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator? Impossible question to answer?

How many people currently driving a car in Maine lack the minimum skills, knowledge and experience to drive a car??

Anyone without a License...

9. Has your company adopted mandatory OSHA standards for crane operators?

Yes.

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

Yes! As have almost all Construction Managers we work for. You must have it. Any OSHA approved certification for crane operator competency

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

My certifications were voluntary for many years. I worked hard to get them. My employer noted and was happy I had them. Now however these certs are mandatory on all jobs.

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

(www.NCCCO.org) crane operator/signal person

IJOE training center at every chance to get up with industry changes

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

Yes. ① Licensed in state of employment
② NCCCO certified, or other certification- OSHA approved

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

Since when has public safety been less important? Cost is not important. Safety is most important.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

Well when a service provider hires a crane operator he would know he's qualified and licensed. Who hasn't seen or heard of someone who hires painter, carpenter, or someone else, then realized they are not qualified to even do their job?!

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Every state has its own system implemented. I live in Massachusetts. The Mass Dept of Public Safety has a complete website of their program. I am also licensed in RI + Conn. They have websites with their programs.

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.

John Ciccone 143 Houghton Road Princeton MA 01541

Email: ch1co@princeton-ma.us

I am proud to say I am a professional crane operator for 22 years now! Licensed in 3 states - Massachusetts, Connecticut, Rhode Island. Please feel free to reach out at anytime for assistance in this important matter.



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Office of the Commissioner
August 12, 2019**



***Sunrise Review Survey: Regulation of Crane Operators in
Maine
Pursuant to 2019 Resolve c. 75***

Please return the completed survey to Melissa Hinkley, Commissioner's Office, Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333-0035 or by email to Melissa.A.Hinkley@maine.gov by September 30, 2019.

General Information:

Completed by:

Title or Occupation:

Organization Represented: (if applicable)

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many?

YES 100's

2. Please describe the minimum skills, knowledge and training that a crane operator should possess.

HAND EYE COORDINATION RIGGING

3. What standards should be used to measure the competency of a crane operator? Why?

WRITTEN PRACTICAL

4. What operation and safety standards apply to crane operators?

OSHA ANSI

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

LOCAL 4 TRAINING HANDS ON

6. Is the public in jeopardy in the absence of state regulation of crane operators?

YES

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

100 SEVERAL MANY

9. Has your company adopted mandatory OSHA standards for crane operators?

YES

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

YES SAFETY INSURANCE BAY CRANE CERTS

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

SAME

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why?

NY / CONN / RI / MASS / CCO HOSTING LIC

AS WELL AS RUBENGO / SIGMA MAF / OSHA 10/40

INDIVIDUAL CRANE TRAINING

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

YES SEE PREVIOUS ANSWER

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

MINIMAL

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

AGAIN MINIMAL SAFETY IS PRICELESS

16. Please provide information about methods used by other states to regulate the crane operator occupation.

WRITTEN PRACTICAL HANDS ON

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.



**Request for Information from Interested Parties:
Sunrise Review for Resolve c. 75**

*“Resolve, Directing the Commissioner of Professional and
Financial Regulation To Conduct a Sunrise Review Regarding
the Proposal To License Operators of Cranes”*

**Department of Professional and Financial Regulation
Office of the Commissioner
August 12, 2019**



***Sunrise Review Survey: Regulation of Crane Operators in
Maine
Pursuant to 2019 Resolve c. 75***

Please return the completed survey to Melissa Hinkley, Commissioner's Office, Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333-0035 or by email to Melissa.A.Hinkley@maine.gov by September 30, 2019.

General Information:

Completed by:

Title or Occupation:

Organization Represented: (if applicable)

Evaluation Criteria (32 M.R.S.A. §60-J)

1. Does your company employ crane operators? If so, how many? *yes 2*
2. Please describe the minimum skills, knowledge and training that a crane operator should possess. *ASCCB*
3. What standards should be used to measure the competency of a crane operator? Why?
4. What operation and safety standards apply to crane operators? *all*

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability? *NCCCO*
6. Is the public in jeopardy in the absence of state regulation of crane operators? *YES*
7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe. *Several Around the USA*
8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator? *all of them with out NCCCO Training*
9. Has your company adopted mandatory OSHA standards for crane operators? *on line Training*
10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications? *Every 2 Yrs.*
11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?
12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certifications or training have you found to be most beneficial? Why? *NCCCO*

13. Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

Yes For SAFETY + E.D.

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

NO

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

SAFETY

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.

There is no SUB. For SAFETY
and Quality of work



**Request for Information from Interested Parties:
Sunrise Review for Resolve c. 75**

“Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Operators of Cranes”

**Department of Professional and Financial Regulation
Office of the Commissioner
August 12, 2019**

***Sunrise Review Survey: Regulation of Crane Operators in
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Please return the completed survey to Melissa Hinkley, Commissioner's Office, Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333-0035 or by email to Melissa.A.Hinkley@maine.gov by September 30, 2019.

General Information:

Completed by _____

Title or Occupation _____

Organization Represented: (if applicable) _____

Evaluation Criteria (32 M.R.S. §60-J)

1. Does your company employ crane operators? If so, how many?
2. Please describe the minimum skills, knowledge and training that a crane operator should possess.
3. What standards should be used to measure the competency of a crane operator? Why?
4. What operation and safety standards apply to crane operators?

5. What standards does your organization use to measure or evaluate a crane operator's skill level or ability?

6. Is the public in jeopardy in the absence of state regulation of crane operators?

7. Are you aware of any actual instances in which a member of the public was harmed physically by an act of a crane operator? Please describe.

8. How many crane operators currently providing services in Maine lack the minimum skills, knowledge and experience required of a crane operator?

9. Has your company adopted mandatory OSHA standards for crane operators?

10. Has your company adopted private certifications as a mandatory standard for members or employed crane operators? Why or why not? Which certifications?

11. Has your company adopted voluntary certifications or training for members or employed crane operators? Why or why not? Which certifications?

12. As an individual crane operator, what voluntary or mandatory certifications have you obtained? What specific crane operator training have you obtained? What certification or training have you found to be most beneficial? Why?

Does your organization require crane operators to be members of state, national or international crane operator organizations? Why? Which organizations?

14. How would state regulation of crane operators affect the cost of crane service to Maine consumers? Please provide examples or evidence supporting your response.

15. How would state regulation of crane operators affect current service providers? Please provide a rationale for your response.

16. Please provide information about methods used by other states to regulate the crane operator occupation.

Please add any information that may be useful to this sunrise review and feel free to forward this questionnaire to any individual or company that may be interested in providing information on this topic.

KEEP LOCAL 4
OUT!
THEY HAVE ENOUGH.



Testimony of

DANA A. DORAN

Executive Director

Professional Logging Contractors of Maine

Before the Joint Standing Committee on Innovation, Development, Economic
Advancement and
Business in Opposition to LD 904, Resolve, Directing the Commissioner of Professional
and
Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License
Heavy Equipment Operators

Tuesday, March 26, 2019

1:00 P.M. — Cross Building — Room 202

Senator Herbig, Representative Larsen-Daughtry and members of the Joint Standing Committee on Innovation, Development, Economic Advancement and Business, my name is Dana Doran and I am the Executive Director of the Professional Logging Contractors of Maine. The Professional Logging Contractors of Maine (PLC) is a trade association that represents logging and associated trucking contractors throughout the state of Maine. The PLC was formed in 1995 to give independent contractors a voice in a rapidly changing forest industry.

As of 2018, logging and trucking contractors in Maine employed over 4,900 people directly and were indirectly responsible for the creation of an additional 3,300 jobs. This employment and the investments that contractors make contributed \$882 million into the state's economy. Our membership employs over half of the individuals who work in this industry and is also responsible for about 75% of Maine's annual timber harvest.

Thank you for providing me the opportunity to testify on behalf of our membership in opposition to LD 904, Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Heavy Equipment Operators.

As you are aware, the forest products industry in Maine is in the midst of a reinvention process, one that none of us have been involved before. In the past five years, Maine

experienced the closure of five pulp and paper mills and the periodic idling of two wood energy electric facilities. As a result, Maine lost 50 percent of its softwood pulp market and has also seen a two-million-ton reduction of biomass utilization. Between 2014 and 2016, the total economic impact of the forest products industry fell from \$9.8 billion to \$8.5 billion, and more than 5,000 jobs were lost. Rural Maine communities where mills have closed are still to this day experiencing high unemployment rates, loss of population, and significant basic infrastructure challenges.

This crisis has also gone all the way to the tree stump, impacting more than 400 logging contractors in the state and at least 500 jobs. To put this into perspective, over just the last five years, we are talking about the loss of 121,000 undelivered truckloads of wood, or 30% of the total amount of fiber consumed by Maine mills.

As our industry is twing to reset itself and prepare for a more prosperous future, we are unclear as to why this bill is before the Legislature at this specific time. More specifically, I stand before you today in opposition to this bill for five primary reasons: 1) we are not sure if heavy equipment operators in the logging industry are included in the definition of "heavy equipment operators" as proposed in the bill and our concern would be that this might indeed be a possibility; 2) to our knowledge, there has been no specific request by anyone in our industry at this point in time to create such a licensure system at this time; 3) the Occupational Safety and Health Administration (OSHA) heavily regulates our industry and we already must abide by general industry safety standards, construction standards and a specific set of logging standards; 4) as a result of OSHA regulation, our industry has created and implemented its own set of very specific class codes that have been recognized by the National Council on Compensation Insurance (NCCI) and the Maine Bureau of Insurance. These class codes mandate rigorous safety training for employees of logging contractors to reduce risk and ensure safe working conditions; and finally, 5) our industry is also regulated in Maine by the Maine Forest Service (Forest Practices Act & Liquidation Harvesting) and the Maine Department of Environmental Protection (Shoreland Zoning).

At this point in time, as a result of the aforementioned reasons, our industry is not a proponent of endorsing a licensure system that it has not requested nor has been identified as necessary. We feel that this kind of top down approach to regulation is not in the best interest of our industry and it will only add regulation and expense at a time when we are not in a position to afford it. Additionally, we do not feel that it will result in improved working conditions or improved safety standards. We have seen our colleagues in other states such as Massachusetts and California struggle with a licensure system that they have not requested, and it is adding burden and cost with no apparent benefit. We are not stating that we are opposed to licensure in the future, however we are not in a position at this point in time to endorse a review process that we have not asked for.

In closing, I would bring to your attention an alternative to licensure that our organization created almost twenty years ago that we feel in the long run is much more beneficial to loggers, landowners and mills in Maine, which is not only industry endorsed, but has the weight of true third party certification. In 2000, the PLC created the world's first and only 3rd party certification program for logging companies, the

Northeast Master Logger Program. Today, Master Logger certification is represented in 20 states and 3 countries. The Northeast Master Logger Certification Program offers third-party independent certification of logging companies' harvesting practices. The certification system is built around a standard with nine specific indicators, including business ethics and safety, that have been cross-referenced to all of the world's major green certification systems and is audited annually by the Rainforest Alliance. While this system is not a licensure system per se, it is a very successful alternative to licensure, and it has proven to be successful as an example of self-regulation that logging companies are proud of.

Thank for you for providing the opportunity to hear from logging and trucking contractors on this bill and I would be happy to answer any questions you may have.

Grose, Tim

From: Dan Davis <dansd36@gmail.com>
Sent: Sunday, March 24, 2019 2:40 PM
To: IDEA
Subject: Distribution - IDEA - Testimony LD 904
Senator Herbig, Representative Daughtry and members of the IDEA Joint Standing Committee:

My name is Dan Davis, one of the 1.33 million clients of the State. I've opted to provide written considerations of the following bill:

(Neither Support or Oppose) LD 904 - Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Heavy Equipment Operators Rather than expanding regulations while a significant number current occupational regulations are over 30 years old, oppressive, irrelevant, and frivolous, maybe work through LD 532 first, to evaluate our current outdated legislative construct regulating occupations that work against many of Maine's past, current, and future labor needs. We need heavy equipment operators to come to Maine, not leave. A desperately needed occupation in this state and Maine's solution is to discourage it and find another way to tax it. Maybe we add some more regulations and fees for snowplow drivers, as Maine desperately needs those too.

Thank you,

Dan Davis
(Porter - District 19 Senate, District 70 House)

Exegesis: Like many other taxpayers, I forgo income when exercising the right to speak and participate in Augusta, as we are not lobbyists and do not have unlimited external resources to influence our state government on a daily basis.

Sending a testimony is a medium that legislators have suggested is of lesser value than sacrificing a day's wage to travel four hours to Augusta to speak for three minutes every time a committee reviews any of their 2,000 plus bill proposals that effect my life (which all of them should, according to the Constitution of this State). If I attend them all, I would be unemployed (fired), if/ am unemployed and want to attend, I can't afford it. This is not competent or reasonable and is a barrier to those who gave consent to be governed.

In a vast and impoverished state such as Maine, if taxpayer attendance is a prerequisite to consider any idea, then it is just another deep structural flaw in our way of governance and something to reflect on and explore.

It is also not competent or reasonable for the process to require that citizenry send separate letters of concern on a bill-by-bill as well as a day-byday basis to each and every committee in order for citizens to work within "the system". It would require the average citizen to employ labor (beyond their legislators) and to acquire additional funding, as they do not have full time lobbyists to do this (beyond their legislators). Is this also barrier to entry and participation of those who gave consent to be governed?

Example: If committees review approximately 100 bills a week for five (5) months straight and a person has an opinion or concern on about 50 „ of them each week, rather than being permitted to send a dozen emails to the various committees aligned to their work week calendar, the "process requires a citizen to send 50 letters individually. And a citizen also has to cull those 50 bills to directly share opinions with co-sponsors and sponsors who initiated the idea, in order to assure the most thorough argument for and vetting of a bill (the only laws that have justifiable integrity have been vetted rigorously through debate).

Beyond these two examples indicating the indeasibility of citizen participation, the current process already does a disservice to the people of the State of Maine, as the constitutional authority of the legislature has been misconstrued to allow political corporations the power to

disproportionately represent each congressional district and authorize each committee (representing 7% of this state) to disenfranchise 93% of the states citizenry and relieve those legislators representing the 93% of their constitutional duty (committees essentially determining the failure and success of bills rather than being performed by the upper and lower chambers). Historically, committees have also behaved largely on political party coercion rather than what is in the best interests of the people of Maine (another subversion of the State's constitution).

When the constitution is violated by the state that defines, administers, and enforces the rule of law, who would be the highest law Enforcer in Maine charged with rectifying it? Is the only remedy of the body politic to test it in the courts? If reform is proposed via bills, will the legislators (largely under the thumb of their corporate handlers) be willing to curtail customs and habits that hurt the citizenry and that do not align with the State's Constitution? Is a radical remedy required for rampant disease?

This problems are primarily the result of preexisting structural advantages afforded to political corporations of a bygone era that have been codified into our laws, advantages that undermine democracy, instill false relevance, and need critical and thoughtful reform.



AGCMAINE

Testimony of Matt Marks in Opposition to LD 904

Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a
Sunrise Review Regarding the Proposal To License Heavy Equipment Operators

Tuesday, March 26, 2019 1:00 PM

Joint Standing Committee on Committee On Innovation, Development, Economic Advancement
and Business

Good Afternoon Senator Herbig, Representative Daughtry and distinguished members of the Joint Standing Committee on Committee On Innovation, Development, Economic Advancement and Business. My name is Matt Marks, I am a resident of Scarborough, and here today representing the Associated General Contractors of Maine.

Today our members have various pathways to educate workers who operate equipment. The machines used in the field today have continued to advance. They include new safety technology, better control systems, and some comforts that many cars have today. They are also expensive investments with a medium sized excavator costing more than \$250,000. As an owner, it is a big decision to place an operator in equipment.

If the Committee believes that Maine businesses are not providing adequate education and placing inexperienced operators in the field, they are sorely mistaken. The safety and financial risk is serious business and could prevent a firm from bidding in both the public and private market if they are not responsible.

OSHA standard subpart c (general safety conditions) 1926.20 (b)(4) states "The employer shall permit only those employees qualified by training or experience to operate equipment and machinery. "

OSHA also requires that the employer instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury. (29 CFR 1926.21(b)(2))

Also, members who operate gravel pits or mines are subject to the regulations or the Mine Safety Health Administration. MSHA requires that an individual be task trained on all machines or duties. I've included a copy of the Section 30 CFR including;

- 46.3 training plans
- 46.4 training plan implementation

- 46.5 new miner training

- 46.6 newly hired experienced miner training

- 46.7 new task training

- 46.8 annual refresher training

- 46.9 records of training

The standard is particular in training and record keeping. Most of my members with earthmoving equipment also own and operate gravel pits. That means they are complying with MSHA and OSHA with regards to employment regulations. My point is unless Maine is dedicating resources in a new license to include a written test, practical examination, and inspection this would simply be an additional tax.

Besides the federal regulations for heavy equipment operators, certain activities require additional training. AGC Maine trains between 800-1 ,000 construction workers on various skills during a year. That includes hazardous materials, confined space entry, excavation and trenching, crane operator certification, supervisory skills, and many other topics. We also respond to changes in the industry or regional and national issues that we see as a necessity to elevate the level of discussion in our marketplace.

A few years ago we held an excavation and trenching seminar with a guest speaker 'Who was working unsafely in an open trench when it collapsed and nearly killed him. We had 300 contractors attend his first seminar in Maine, and we have had the chance to bring him back several times since. Today members bring him to their safety seminars. But we didn't simply offer the training, we followed up with best practices for trench safety, and guidelines for communicating to the public when work is conducted in neighborhoods and sensitive areas.

Additionally, our team worked to proactively train workers, and provide guidance documents for operations around overhead energized lines. You might recognize the signs scattered throughout Maine that read "Energized Line Overhead" to alert operators, and remind them, of a hazard. Our team provided training documents, materials and conducted a series of classes to kick off the best practice.

The industry is not only reacting; we are proactive; licensing isn't the motivator; it is for the safety of the people who build our infrastructure.

Some of our members operated equipment in other jurisdictions like Massachusetts and took the equipment operator's exam and paid the fee. It didn't make them safer or even convey they could operate safely; it simply demonstrated they could take a written test. If the Committee decides to move ahead with a review, we hope that AGC Maine will be included in the process.

Thank you.

Subpart C — General Safety and Health Provisions

subpart C General Safety and Health Provisions

51926.20 CE General safety and health provisions

(a) Contractor requirements

(1) Section 107 of the Act requires that it shall be a condition of each contract which is entered into under legislation subject to Reorganization Plan Number 14 of 1950 (64 Stat. 1267), as defined in 51926.12, and is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or

(b) 9 Accident prevention (h) T/A/t shall be the responsibility of the employer to initiate and filläqtmaintain such programs as may be necessary to comply with (his part.

Such programs shall provide for frequent and regular inspections of the job sites, materials, and equipment to be installed by competent persons designated by the employers.

of any machinery, tool, material, or equipment is not in compliance with any applicable requirements of the Act is prohibited. Such machine, tool, material, or equipment shall either be identified as unsafe by tagging or locking the controls to render them inoperable or shall be physically removed from its place of operation,

employer shall permit only those employees qualified

be standards contained in this part shall apply with respect to employments performed in a workplace in a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the American Samoa, Guam, Trust Territory of the Pacific Islands, the Line Islands, Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act, Johnston Island, and the Canal Zone, 141926.20(c)

If a particular standard is specifically applicable to a condition, practice, means, method, operation, or process, it shall prevail over any different general standard which might otherwise be applicable to the same condition, practice, means, method, operation, or process.

the other hand, any standard shall apply according to its terms to any employment and place of employment in any

Industry, even though particular standards are also prescribed for the industry to the extent that none of such particular standards applies,

• A standard protects on its face a class of persons. If an employee, the standard shall be applicable under this Only to employees and their employment and places of

10 ment. [51926.20(0)] the duties owed to each employee for social protective equipment. Standards in this part requiring employer to provide personal protective equipment (PPE), including respirators and other types of PPE, because of hazards to employees impose a separate compliance duty with respect to each employee covered by the requirement. The provisions provide PPE to each employee required to use and each failure to provide PPE to an employee may be considered a separate violation.

hence, Standards in this part requiring training on hazards related matters, such as standards requiring that employee receive training or that the employer train employees, apprentices, or institute or implement a training a separate compliance duty with respect to employees covered by the requirement. The employer must teach affected employee in the manner required

by each failure to train an employee may be considered a separate violation.

a. FR iggy. 70 Dec. Safety

training and education

Act; requirements, establish The and Secretary supervise shall, programs pursuant for the to sectioned employers and employees in [he recognition, namely: prevention of unsafe conditions in employments responsibility.

employees should avail himself of the safety and health programs the Secretary provides.

(2) The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.

(3) Employees required to handle or use poisons, caustics, and other harmful substances shall be instructed regarding the safe handling and use, and be made aware of the potential hazards, personal hygiene, and personal protective measures required.

(4) In job site areas where harmful plants or animals are present, employees who may be exposed shall be instructed regarding the potential hazards, and how to avoid injury, and the first aid procedures to be used in the event of injury. (41926

(5) Employees required to handle or use flammable liquids, gases, or toxic materials shall be instructed in the safe handling and use of these materials and made aware of and the other specific requirements contained in subparts D, F, applicable subparts of this part,

FR 8577. g, 1979; O, 197m as 2551B, may 4.2015)

926.23 First aid and medical attention

First aid services and provisions for medical care shall be made available by the employer for every employee covered by these regulations. Regulations prescribing specific requirements for first aid, medical attention, and emergency facilities are contained in subpart D of this part.

926.24 Fire protection and prevention

The employer shall be responsible for the development and maintenance of an effective fire protection and prevention program at the job

demolition work. The employer shall ensure the availability of the fire protection and suppression equipment required by subpart F of this part.

51926.25 Housekeeping

(a) During the course of construction, alteration or repairs, form and scrap lumber with protruding nails, and all other debris, shall be kept cleared from work areas, passageways, and stairs, in and around buildings or other structures.

(b) Combustible scrap and debris shall be removed at regular intervals during the course of construction. Safe means shall be provided to facilitate such removal.

(c) Containers shall be provided for the collection and separation of waste, trash, oily and used rags, and other refuse. Containers used for garbage and other oily, flammable, or hazardous wastes, such as caustics, acids, harmful dusts, etc. shall be equipped with covers. Garbage and other waste shall be disposed of at frequent and regular intervals.

51926.26 Illumination

Construction areas, aisles, stairs, ramps, runways, corridors, offices, shops, and storage areas where work is in progress shall

be lighted with either natural or artificial illumination. The minimum illumination requirements for work areas are contained in subpart D of this part.

5926.27 Sanitation

Health and sanitation requirements for drinking water are contained in subpart D of this part.

926.28 Personal protective equipment

- (a) The employer is responsible for requiring the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions or where this part indicates the need for using such equipment to reduce the hazards to the employees.
- (b) Regulations governing the selection, and maintenance of personal protective and lifesaving equipment are described under subpart E of this part.



5192629 Acceptable certifications

Pressure Current and valid certification by an insurance company or regulatory authority shall be deemed as acceptable evidence of safe installation, inspection, and testing of pressure vessels provided by the employer.

- (h) Boilers provided by the employer shall be deemed to be in compliance with the requirements of this part when evidence of current and valid certification by an insurance company or regulatory authority attesting to the safe installation, inspection, and testing is presented.

Other requirements, Regulations prescribing specific requirements for other types of pressure vessels and similar equipment are contained in subparts F and O of this part.

Guidelines for Effective Task Training

Employees have received task training in new tasks

Ensure the following:

- The mine has established an adequate task training program
- Task training is performed on all machines and job duties
- Adequate task training records are completed for all task training
- Task training is performed on all maintenance activities
- Task training is provided when there is a change to the equipment, process, or condition

All tasks have been assessed

Utilize the following:

- Equipment or job checklists, job safety analysis, or safe job procedures
- Operator's manuals are utilized to determine specific hazards related to the equipment
- Established communication procedures for task trainers
- Maintain an adequate task list in the training plan
- Development of an action plan to address any changes to equipment, process, or condition

Miners have the skills necessary to perform tasks in a safe manner

Evaluate the following:

- There is adequate time set aside to complete thorough task training
- Miners ability to demonstrate the knowledge of company and federal health and safety procedures applicable to all tasks
- Task Training was completed in a "non-production" setting
- Supervised practice of task training in a production mode
- The trainees knowledge of locating and utilizing the company's HazCom program and MSDS's • Miners perform pre and post operation checks on the equipment



- Miners knowledge of any required maintenance and service of equipment
- Understand how and where to report any problems or malfunctions
- The trainees ability to demonstrate proper start-up and shutdown procedures of equipment
- Miners have received the proper skills necessary to perform tasks in a safe manner
- Miners demonstrate safe operating procedures, and know the proper procedure to address any change to the equipment, process, or condition

Task trainers have the knowledge necessary to perform adequate and efficient task training

Establish guidelines for trainers:

- Utilize checklists, job safety analysis', operator's manuals, and safe operating procedures
- All task trainers have been trained and have the necessary skills to perform adequate and efficient task training
 - Ensure task trainers have received formal or informal training to perform effective task training
 - Task trainers provide the same training on all equipment and job duties
- Evaluation procedures to determine that all health and safety aspects of the tasks are addressed in a correct and consistent manner
 - Conduct follow up evaluation of task training, and implement any training necessary to address a change to the equipment, process, or condition

U.S. Dept. of Labor Mine Safety and Health Administration

30 CFR 46.3 Training Plans.

- (a) You must develop and implement a written plan, approved by us under either paragraph (b) or (c) of this Section that contains effective programs for training new miners and newly hired experienced miners, training miners for new tasks, annual refresher training, and site-specific hazard awareness training.

PPM: Ail mining operations which fall under Part 46 must develop and implement a written training plan. Independent contractors who employ "miners" are also primarily responsible for providing comprehensive training to their employees. This requires independent contractors to develop a training plan containing effective programs for providing this training. If arrangements are made to receive training from the production operator, it must be indicated in the independent contractor's training plan.

A training plan can be used for more than one mine. The plan must list all mine names and MSHA mine identification numbers and must cover all the appropriate training requirements, including Site-specific Hazard Awareness Training, at each mine listed on the plan.

- (b) A training plan is considered approved by us if it contains, at a minimum, the following information:

- (1) The name of the production-operator or independent contractor, mine name(s), and MSHA mine identification number(s) or independent contractor identification number(s);

ppM: MSHA does not require independent contractors to get an MSHA identification number for purposes of Part 46.

ver, if an independent contractor wants to obtain an MSHA identification number, please contact the local MSHA district office, or to file online go to the MSHA Home Page (www.nsha.gov) and click on the tab titled "Forms & Online Filing."

- (b)(2) The name and position of the person designated by you who is responsible for the health and safety training at the mine. This person may be the production-operator or independent contractor;

ppM: Some operators, particularly those that operate large facilities, may want the flexibility of having more than one person who can certify that

training has been completed. These operators may list (not more than one person) being responsible for training.

(b)(3) A general description of the teaching methods and the course materials that are to be used in the training program, including the subject areas to be covered and the approximate time or range of time to be spent on each subject area.

PPM: "Approximate time" the operator's reasonable estimate of the amount of time that will be spent on a particular subject. For example, the time stated for a particular subject may be "approximately 3 hours," recognizing that when the training is actually given it may require more or less time than is indicated in the training plan. This flexibility allows for adjustments based on changing mine conditions or operations, including the needs and experience of the individuals who receive the training.

When a range of time is used for each subject, the maximum times listed for each subject must be equal to or exceed the required hours for new miner (24) and annual refresher (8) training as required by the regulation. When stating a range it cannot start with a zero.

Remember: in all cases a miner must receive no less than 24 hours of new miner training and 8 hours of annual refresher training annually.

(b)(4) A list of the persons and/or organizations who will provide the training, and the subject areas in which each person and/or organization is competent to instruct; and

The training plan must include all "competent persons" who will instruct in all subjects, including the name of the person who will provide only one type of task training. It is acceptable to indicate the names of several potential instructors for one subject or course, where the operator may call on one of several competent persons to provide the training. While it is acceptable to list the organizations who will instruct on the training plan, the certificates of training must list the specific competent person's name who provides the training.

(b)(5) The evaluation procedures used to determine the effectiveness of training.

PPM: Part 46 does not require a specific evaluation method. Instead the rule allows you to select the method that will best determine if training has been effective. Possible evaluation methods include administering written or oral tests* or a demonstration by the

miner that he or she can perform all required duties or tasks in a safe and healthful manner.

In addition, periodic work observation can be used to identify areas where additional training may be needed and such observations, along with feedback from the miners, could be used to modify and enhance the training program.

- (c) A plan that does not include the minimum information specified in paragraphs (b)(1) through (b)(5) of this Section must be submitted to and approved by the Regional Manager, Educational Field and Small Mines Services Division, or designee, for the region in which the mine is located. You also may voluntarily submit a plan for Regional Manager approval. You must notify miners or their representatives when you submit a plan for Regional Manager approval. Within two weeks of receipt or posting of the plan, miners and their representatives may also request review and approval of the plan by the Regional Manager and must notify the production-operator or independent contractor of such request.
- (d) You must provide the miners' representative, if any, with a copy of the plan at least 2 weeks before the plan is implemented or, if you request MSHA approval of your plan, at least two weeks before you submit the plan to the Regional Manager for approval. At mines where no miners' representative has been designated, you must post a copy of the plan at the mine or provide a copy to each miner at least 2 weeks before you implement the plan or submit it to the Regional Manager for approval.

PPM: (f) If the competent person listed in the approved training plan cannot do the training, the training is 2

operator may substitute an unlisted competent person

operator informs them to be trained and their representatives prior to substituting the competent person, and provided that or their representatives object to the substitution.

- (e) Within 2 weeks following the receipt or posting of the training plan under paragraph (d) of this Section, miners or their representatives may submit written comments on the plan to you, or to the Regional Manager, as appropriate.
- (f) The Regional Manager must notify you and miners or their representatives in writing of the approval, or status of the approval, of the training plan within 30 calendar days of the date we received the training plan for approval, or within 30 calendar days of the date we received the request by a miner or miners' representative that we approve your plan.

- (g) You must provide the miners' representative, if any, with a copy of the approved plan within one week after approval. At mines where no miners' representative has been designated, you must post a copy of the plan at the mine or provide a copy to each miner within one week after approval.
- (h) If you, miners, or miners' representatives wish to appeal a decision of the Regional Manager, you must send the appeal, in writing, to the Director for Educational Policy and Development, MSHA, 201 12th Street South, Arlington, VA 22202, within 30 calendar days after notification of the Regional Manager(s) decision. The Director will issue a final decision of the Agency within 30 calendar days after receipt of the appeal.
- (i) You must make available at the mine a copy of the current training plan for inspection by us and for examination by miners and their representatives. If the training plan is not maintained at the mine, you must have the capability to provide the plan within one business day upon request by us, miners, or their representatives.

ppM: AvailaÅJltY-@fJrainIng-Plan

Section 46.3(i) requires a copy of the training plan to be produced within one business day of a request by MSHA or the miners or their representatives. The following example explains our policy for one business day.

If MSHA requests that an operator produce a training plan for examination on Tuesday at 1:00 p.m., the deadline for producing the plan would be 1:00 p.m. on Wednesday. If MSHA requests that an operator produce a plan at 2:00 p.m. on Friday at a mine that does not operate over the weekend, the deadline for producing the plan would be 2:00 p.m. on Monday.

- (j) You must comply with the procedures for plan approval under this Section whenever the plan undergoes revisions.

If MSHA discovers that a plan does not meet the minimum requirements of Part 46 one of two actions must be taken.

The operator can amend the plan to comply with the requirements of Part 46.3(b) or

- 2) If you want to conduct training in accordance with the plan that does not meet the minimum information specified in § 46.3(b), the plan must be submitted and approved by the Regional Manager, Educational Field and Small Mine Services Division, for the region in which the mine is located. Until the plan is approved no training can be conducted under the plan. Their addresses are:

Eastern Regional Manager
Educational Field and Small Mine Services (EFSMS)
National Mine Health and Safety Academy
1301 Airport Road
Beaver, WV 25813-9426
Telephone: (304) 256-3223 FAX: (304) 256-3319 email: zzMSHA-EPD@EFSMS-Beckley-Region

Western Regional Manager
Educational Field and Small Mine Services (EFSMS)
P O Box 25367
Denver, CO 80225-0367
Telephone: (303) 231-5434
FAX: (304) 231-5474 E-mail: zzMSHA-EPD@EFSMS-Denver-Region

A plan may also be voluntarily submitted to one of the Regional Managers for approval. MSHA has developed an online program to assist in developing a Part 46 training plan. The following link will open up the MSHA online advisor: http://webapps.dol.gov/qyleiaws/msha_train.htm

(k) The addresses for the EFSMS Regional Managers are as follows. Current information on the EFSMS organization is available on MSHA's Internet Home Page at <http://www.msha.gov>.

Eastern Regional Manager
Educational Field and Small Mine Services (EFSMS)
National Mine Health and Safety Academy
1301 Airport Road
Beaver, WV 25813-9426
Telephone: (304) 256-3223 FAX: (304) 256-3319 E-mail: zzMSHA-EPD@EFSMS-Beckley-Region

Western Regional Manager
Educational Field and Small Mine Services (EFSMS)
P.O. Box 25367
Denver, CO 80225-0367
Telephone: (303) 231-5434
FAX: (304) 231-5474

30 CFR 46.4 . Training Plan implementation*

- (a) You must ensure that each program, course of instruction, or training session is:
- (1) Conducted in accordance with the written training plan;
 - (2) Presented by a competent person; and
 - (3) Presented in language understood by the miners who are receiving the training.

PPM: "Presented in Language Understood by the Miners"

Training received by miners in Part 46 must be presented in a language they understand. In addition, if warning signs at the mine serve as a component of the Site-specific Hazard Awareness Training, the signs must be in a language or languages that are understood by the person who comes onto the mine site.

If a competent person providing to a group, and some individuals are not fluent in English; it is permissible to use a person who is not a competent person as a translator. When using a translator, the supervisor or contractor should ensure the translator has the ability to translate the information accurately and completely. The translator should be familiar with the subject and terminology of the language being translated not in English.

- (b) You may conduct your own training programs or may arrange for training to be conducted by: state or federal agencies; associations of production operators or independent contractors; miners' representatives; consultants; manufacturers' representatives; private associations; educational institutions; or other training providers.
- (c) You may substitute, as applicable, health and safety training required by the Occupational Safety and Health Administration (OSHA), or other federal or state agencies to meet requirements under this Part. This training must be relevant to training subjects required in this Part. You must document the training in accordance with Section 46.9 of this Part.
- (d) Training methods may consist of classroom instruction, instruction at the mine, interactive computer-based instruction or other innovative training methods, alternative training technologies, or any combination of training methods.

PPM: MSHA considers computer based or other interactive training technologies be training "methods," to be used by a competent person effectively and appropriately. This would not necessarily require that the competent person be in the room at all times; however, the competent person must be available to evaluate the trainee's progress, and answer questions as they arise,

- (e) Employee health and safety meetings, including informal health and safety talks and instruction, may be credited under this Part toward either new miner training, newly hired experienced miner training, or annual refresher training requirements, as appropriate, provided that you document each training session in accordance with Section 46.9 of this Part. In recording the duration of training, you must include only the portion of the session actually spent in training.

30 CFR 46.5 New Miner Training

- (a) Except as provided in paragraphs (f) and (g) of this Section, you must provide each new miner with no less than 24 hours of training as prescribed by paragraphs (b), (c), and (d). Miners who have not yet received the full 24 hours of new miner training must work where an experienced miner can observe that the new miner is performing his or her work in a safe and healthful manner.

PPM: A person who is beginning employment as a (T)iner with a production operator or independent contractor and who is not an experienced miner as defined in definitions I] nder "Experienced Miner is a new miner for training purposes.

Close Observation

requires that new miners be under the supervision of a competent person when practicing as part of the health and safety aspects of all assigned tasks: observation means that the competent person must have the ability to observe a new miner's work practices during task training ensuring the miner is not jeopardizing his or her own health and safety or that of others. This does not mean that the competent person must completely abandon his or her normal duties, as long as the competent person can adequately monitor the work practice. However, in some situations, the competent person may temporarily have to cease his or her normal work duties to ensure that this performance-based standard is met.

If the time for a specific task is completed, the miner no longer needs to be under the close observation of a competent person. However, since the miner has not completed the 24 hours of New Miner Training, the miner is required to work where an experienced miner can observe his or her work practices until the 24 hours of training is completed. A competent person may not be able in some instances to ride on a piece of mobile equipment with the trainee. When available, the passenger seat is the best location for a competent person providing training to a miner in safe operation of the equipment. However, when a passenger seat is not available, the competent person should be positioned in a safe location in close proximity to the equipment being operated. The competent person should closely observe and monitor the miner's actions from that location.

(b) Before a new miner begins work at the mine -

You must provide the miner with no less than 4 hours of training in the following subjects, which must also address site-specific hazards:

- (1) An introduction to the work environment, including a visit and tour of the mine, or portions of the mine that are representative of the entire mine (walkaround training). The method of mining or operation utilized must be explained and observed;
- (2) Instruction on the recognition and avoidance of electrical hazards and other hazards present at the mine, such as traffic patterns and control, mobile equipment (e.g., haul trucks and front-end loaders), and loose or unstable ground conditions;
- (3) A review of the emergency medical procedures, escape and emergency evacuation plans, in effect at the mine, and instruction on the fire warning signals and firefighting procedures;
- (4) Instruction on the health and safety aspects of the tasks to be assigned, including the safe work procedures of such tasks, the mandatory health and safety standards pertinent to such tasks, information about the physical and health hazards of chemicals in the miner's work area, the protective measures a miner can take against these hazards, and the contents of the mine's HazCom program;

goes a remote site; he or she must receive appropriate Site-specific Hazard Awareness Training applicable to the miner's exposure to unique hazards (remember independent contractors who have received New Miner Training must also be current with their Annual Refresher Training requirements before working on a mine property).

Which Site-Specific Hazard Awareness Training could include site-specific health and safety risks, such as geologic or environmental hazards; recognition and avoidance of hazards such as electrical and power-related hazards, traffic patterns and control and restricted areas; and warning and evacuation signals, evacuation and emergency procedures, or other special safety procedures.

(f) A new miner who has less than 12 cumulative months of surface mining or equivalent experience and has completed new miner training under this Section or under Section 48.25 of this title within 36 months before beginning work at the mine does not have to repeat new miner training. However, you must provide the miner with training specified in paragraph (b) of this Section before the miner begins work at the mine.

PPM: A miner who has less than 12 cumulative months of surface or equivalent experience who has completed New Miner Training under Part 46 or Part 48 Subpart B, within 36 months before beginning work at a mine does not have to repeat new miner training (§ 46.5(f)). However, this miner must receive 4 hours of covering the 7 initial elements listed in § 46.5(b).

For example, a miner completes 24 hours of New Miner Training and leaves the mine after working 6 months. The miner then begins work at another mine 6 months later or 12 months since receiving New Miner Training.

If the miner has not fulfilled the 12 months of experience or 36 months, the miner must receive 4 hours of training in the 7 initial subjects listed in § 46.5(b) before going to work.

(g) A new miner training course completed under Section 48.5 or 48.25 of this title may be used to satisfy the requirements of paragraphs (a), (b), and (c) of this Section, if the course was completed by the miner within 36 months before beginning work at the mine; and the course is relevant to the subjects specified in paragraphs (b) and (c) of this Section.

- (a) You must provide each miner with no less than 8 hours of annual refresher training—
 - (1) No later than 12 months after the miner begins work at the mine, or no later than March 30, 2001, whichever is later; and
 - (2) Thereafter, no later than 12 months after the previous annual refresher training was completed.
- (b) The refresher training must include instruction on changes at the mine that could adversely affect the miner's health or safety.
- (c) Refresher training must also address other health and safety subjects that are relevant to mining operations at the mine.

Recommended subjects include, but are not limited to: applicable health and safety requirements, including mandatory health and safety standards; information about the physical and health hazards of chemicals in the miner's work area, the protective measures a miner can take against these hazards, and the contents of the mine's HazCom program; transportation controls and communication systems; escape and emergency evacuation plans, firewarning and firefighting; ground conditions and control; traffic patterns and control; working in areas of highwalls; water hazards, pits, and spoil banks; illumination and night work; first aid; electrical hazards; prevention of accidents; health; explosives; and respiratory devices.

Training is also recommended on the hazards associated with the equipment that has accounted for the most fatalities and serious injuries at the mines covered by this rule, including: mobile equipment (haulage and service trucks, front-end loaders and tractors); conveyor systems; cranes; crushers; excavators; and dredges.

Other recommended subjects include: maintenance and repair (use of hand tools and welding equipment); material handling; fall prevention and protection; and working around moving objects (machine guarding).

Section 46.8 requires that annual refresher training include instruction on changes at the mine that could adversely affect the miners' health or safety. In addition, refresher training must also address other health and safety subjects that are relevant to mining operations at the mine. Section 46.8 includes an extensive list of recommended subjects for refresher training. The flexibility of the performance-based approach of

Part 46 allows production operators and independent contractors to determine the to be covered in annual refresher training based on the needs of their workforce and their operations,

In the regulation the section on annual refresher training lists recommended subjects that could be included in the training. It is not acceptable to list all these subjects on the training plan and choose different subjects from year to year. The training plan needs to accurately represent each subject: which you plan to cover during annual refresher training.

As a reminder if this list is modified, the miners' representative; if any; must be provided with a copy of the plan at least 2 weeks before the plan is implemented. If no representative has been designated, post a copy of the plan at the mine or provide a copy to each miner at least 2 weeks before the plan is implemented.

Annual Refresher Training Anniversary Dates

Annual refresher training anniversary dates are tracked monthly. For example, if a miner completed annual refresher training sometime in February, the next annual refresher training must be completed by the end of the following February.

30 CFR 4609 * Records of Training

- (a) You must record and certify on MSHA Form 4609 or on a form that contains the information listed in paragraph (b) of this Section, that each miner has received training required under this Part.
- (b) The form must include:
 - (1) The printed full name of the person trained;
 - (2) The type of training, the duration of the training, the date the training was received, the name of the competent person who provided the training;
 - (3) The name of the mine or independent contractor, MSHA mine identification number or independent contractor identification number, and location of training (if an institution, the name and address of the institution).



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Testimony of Maine AFL-CIO Legislative & Political Director, Adam Goode, in Support of LD 904 "Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Heavy Equipment Operators" and LD 902 "Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review of the Proposal To License Certain Mechanical Trades"

Senator Herbig, Representative Daughtry and members of the Joint Standing Committee on Innovation, Development, Economic Advancement and Business, my name is Adam Goode. I'm the Legislative and Political Director of the Maine AFL-CIO. We represent 40,000 working people in the state of Maine. We work to improve the lives and working conditions of our members and all working people. We testify in support of LD 904 and 902.

LD 902 as resolve that requires the Commissioner of Professional and Financial Regulation to conduct an independent assessment pursuant to the sunrise review requirements in Maine Revised Statutes of the proposal to license certain mechanical trades and submit a report to this committee. LD 904 requires the Commissioner of Professional and Financial Regulation to conduct an assessment pursuant to the sunrise review requirements on the licensing of heavy equipment operators. That bill also requires the commissioner to submit a report to this committee.

Many of working people who are members of local unions affiliated with the Maine AFL-CIO work in the trades. They have told us that their working conditions include serious and legitimate issues related to health, safety and quality control in mechanical and heavy equipment work that licensing programs would address.

The current system is made up of a patchwork of national and third party certifications and benchmarks for work in mechanical trades and heavy equipment operators. Licensing programs could help improve safety by rolling existing appropriate requirements in with additional guidelines. Revenue generated from a licensing program can help fund monitoring and enforcement. This helps to protect lives and both public and private property.

Working people who perform labor in the trades deserve to not have to deal with unsafe and unlicensed personnel on a jobsite. Acupuncturists, accountants, veterinary technicians and many trades are protected by our existing professional licensing program. The same licensing system that works for those professions should protect the public and the people who work in the trades using mechanical and heavy equipment like cranes.

Your support for these bills will move a process along that will help both union and open shops in the construction industry. This will help working people in the pipefitting, sprinkler fitting, insulating, sheet metal and heavy equipment trades. We ask that you to vote ought to pass on LDs 902 and 904.



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HOUSE OF REPRESENTATIVES

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March 26, 2019

Testimony of Rep. Scott Cuddy introducing
LD 904, Resolve, Directing the Commissioner of Professional and Financial Regulation
To Conduct a Sunrise Review Regarding the Proposal To License Heavy Equipment
Operators
Before the Joint Standing Committee on Innovation, Development, Economic Advancement and
Business

Senator Herbig, Representative Daughtry and members of the Joint Standing Committee on Innovation, Development, Economic Advancement and Business, I am Representative Scott Cuddy of House District 98, which includes the towns of Frankfort, Searsport, Swanville and Winterport. I am before you today to present LD 904, Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Heavy Equipment Operators.

The sunrise review is a process prescribed for evaluating proposals that would establish regulation of a previously unregulated profession or expand an existing regulatory program. It is an ideal process for heavy equipment operators.

This fall, I worked as an electrician installing new lighting at the Bar Harbor Airport in Trenton. Early on in the job, the contractor had difficulty finding equipment operators, and in order to keep the job moving I ran a backhoe now and then. Soon, some operators became available and came on the jobsite. One day, I was marveling at what they could accomplish and explained that I had run the backhoe for a little while, but that I simply could not do what they do. They explained that I was not an operator, I was a "lever puller." This was exactly right. I did not have their skill. I was not qualified to be a heavy equipment operator.

Multi-ton equipment needs to be run by those with the appropriate understanding of how to run it. Conducting a sunrise review to begin the process of licensing this trade is the right thing to

do. I hope you will agree with me and support LD 904. I am happy to answer any questions that I can.



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Good Afternoon Senator Herbig, Representative Daughtry and members of the the Committee on Innovation, Development, Economic Advancement & Business. My name is Robert Burr, I am the Business Representative for the International Union of Operating Engineers Local 4 as well as the Vice President of the Maine State Building and Construction Trades Council, I'm here to testify in support of LD 904: "Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Heavy Equipment Operators." Though my testimony will focus on that bill, I also wish to let the record reflect that I and my union support LD 902 for licensing in the mechanical trades as well.

The International Union of Operating Engineers (IUOE) represents heavy equipment operators and mechanics in the construction sector throughout the United States and Canada, including 500 men and women right here in Maine. IUOE members have helped build the infrastructure that moves and powers America - from bridges and skyscrapers to power plants and pipelines.

Through our extensive training and apprenticeship programs, the IUOE Local 4 turns out the safest, most-productive operators in the construction industry. Joint labor-management

training programs of the IUOE invest approximately \$125 million annually on training nationwide.

IUOE Local 4 has two contemporary training facilities in Canton and Medway, Massachusetts and recently opened the International Training and Conference Center, a \$150 million world-class training facility that is centrally located in Crosby, Texas. The state-of-the-art facility includes specialty crane training, in addition to other curricula. And we're also a part of the discussion surrounding the establishment of a joint labor training and education facility right here in Maine. Members of the Operating Engineers lead the way on skills, safety, and productivity in the operation of cranes and all heavy equipment throughout North America.

I hope that my outlining of our commitment to training and safety shows why I appear before you today to advocate for LD 9040

It's unfortunately not uncommon to hear about a death in the construction industry. The Bureau of Labor Statistics' Census of Fatal Occupational Injuries (CFOI) found a total of 5,190 fatal work injuries in the United States in 2016, a seven percent increase from 2015. This is the third consecutive year workplace fatalities have increased, and the first time more than 5,000 fatalities have been recorded since 2008.

Safety is not a priority in many workplaces across the USO and workers are paying the price. The IUOE and its signatory contractor partners know that many of these incidents can be prevented when workers get the training they need and are empowered to correct hazards in the workplace.

Construction laborers that work around heavy machinery led all trades with 254 of the 970 deaths in our industry, followed by roofers at 101 deaths (their highest number ever), carpenters at 99 fatalities and painters at 52. My brothers and sisters who operate heavy machinery suffered 46 losses. Nonfatal injuries remained common among construction laborers, totaling 24,650 in 2016 alone. Construction laborers are still four times more likely to be killed on the job than the average employee.

Construction activity is at an all-time high and now is the time to stop this trend of serious injury and fatality. Some say that licensing is a solution in search of a problem. I'd ask this committee, "Should we wait for another casualty to finally act?" There were 18 work-related deaths in Maine in 2017. While they all weren't construction related, this committee can do their part in mitigating against risk on the jobsite. The state of Maine can be at the forefront of making sure properly trained, licensed and safety-conscious operators are running the equipment in our State.

I would be happy to take any questions, as well as work with the Committee and the administration in the future to craft a sensible and effective licensing structure. Thank you for your time.

Testimony regarding LD 904 "Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Heavy Equipment Operators"

Good Afternoon Senator Herbig, Representative Daughtry and distinguished members of the Committee on Innovation, Development, Economic Advancement and Business.. My name is Greg Savona, and I am work for Pratt & Sons, a family owned general contractor in Minot specializing in highway construction. We have been in business for 30 years and employ around 50 employees.

I am writing about a proposal to study the need for equipment operator licensing. One of the biggest challenges for our business and our industry is recruiting and retaining employees. Our employees are the backbone of our company, and our equipment fleet is our biggest tool to complete our construction tasks. We have learned that the investment in class room and hands on training of our employees pays dividends. Safety is our number one priority and we are proud to have one of the lowest loss ratios within our self-insured workers compensation insurance group. This investment not only helps us achieve our safety goals, but also makes good business sense.

I believe the construction industry in Maine is already committed to investing in and training our workforce, and believe that equipment operator licensing is not needed. I urge you to vote against this bill. Thank you.

Subpart CC - Cranes and Derricks in Construction

1926.1401 Definitions

Assembly/Disassembly means the assembly and/or disassembly of equipment covered under this standard. With regard to tower cranes, "erecting and climbing" replaces the term "assembly," and "dismantling" replaces the term "disassembly." Regardless of whether the crane is initially erected to its full height or is climbed in stages, the process of increasing the height of the crane is an erection process.

A/D) director (Assembly/Disassembly director) means an individual who meets this subpart's requirements for an A/D director, irrespective of the person's formal job title or whether the person is non-management or management personnel.

Fall zone means the area (including but not limited to the area directly beneath the load) in which it is reasonably foreseeable that partially or completely suspended materials could fall in the event of an accident.

Qualified person means a person who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training and experience, successfully demonstrated the ability to solve/ resolve problems relating to the subject matter, the work, or the project.

Qualified rigger is a rigger who meets the criteria for a qualified person.

1926.1404 Assembly/Disassembly — general requirements and (applies to all assembly and disassembly operations)

(a) Supervision — competent-qualified person:

(1) Assembly/disassembly must be directed by a person who meets the criteria for both a competent person and a qualified person, or by a competent person who is assisted by one or more qualified persons ("A/D director").

(2) Where the assembly/disassembly is being performed by only one person, that person must meet the criteria for both a competent person and a qualified person. For purposes of this standard that person is considered the A/D director.

(b) Knowledge of procedures. The A/D director must understand the applicable assembly/disassembly procedures.

- (c) Review of procedures. The A/D director must review the applicable assembly/disassembly procedures immediately prior to the commencement of assembly/disassembly unless the A/D director understands the procedures and has applied them to the same type and configuration of equipment (including accessories, if any).
- (d) Crew instructions
 - (1) Before commencing assembly/disassembly operations, the A/D director must ensure that the crew members understand all of the following:
 - (i) Their tasks.
 - (ii) The hazards associated with their tasks.
 - (iii) The hazardous positions/locations that they need to avoid. (2) During assembly/disassembly operations, before a crew member takes on a different task, or when adding new personnel during the operations, the requirements in paragraphs (d)(1)(i) through (d)(1)(iii) of this section must be met.
 - (r) Rigging. In addition to following the requirements in 29 CFR 1926.251 and other requirements in this and other standards applicable to rigging, when rigging is used for assembly/disassembly, the employer must ensure that:
 - (l) The rigging work is done by a qualified rigger.

1926.1408 Power line safety (up to 350 kV) — equipment operations

(b) Preventing encroachment/electrocution

(1) Conduct a planning meeting with the operator and the other workers who will be in the area of the equipment or load to review the location of the power line(s), and the steps that will be implemented to prevent encroachment/electrocution.

(g) Training

(1) The employer must train each operator and crew member assigned to work with the equipment on all of the following: (i) The procedures to be followed in the event of electrical contact with a power line. Such training must include:

- (A) Information regarding the danger of electrocution from the operator simultaneously touching the equipment and the ground.
- (B) The importance to the operator's safety of remaining inside the cab except where there is an imminent danger of fire, explosion, or other emergency that necessitates leaving the cab.

- (C) The safest means of evacuating from equipment that may be energized.
- (D) The danger of the potentially energized zone around the equipment (step potential).
- (E) The need for crew in the area to avoid approaching or touching the equipment and the load.
- (F) Safe clearance distance from power lines.
- (ii) Power lines are presumed to be energized unless the utility owner/operator confirms that the power line has been and continues to be deenergized and visibly grounded at the worksite.
- (iii) Power lines are presumed to be uninsulated unless the utility owner/operator or a registered engineer who is a qualified person with respect to electrical power transmission and distribution confirms that a line is insulated,
- (iv) The limitations of an insulating link/device, proximity alarm, and range control (and similar) device, if used.
- (v) The procedures to be followed to properly ground equipment and the limitations of grounding.
- (2) Employees working as dedicated spotters must be trained to enable them to effectively perform their task, including training on the applicable requirements of this section.
- (3) Training under this section must be administered in accordance with 1926.1430(g).

1926.1419 Signals — general requirements

(c) Non-standard hand signals.

- (2) When using non-standard hand signals, the signal person, operator, and lift director (where there is one) must contact each other prior to the operation and agree on the non-standard hand signals that will be used,

1926.1423 Fall protection

- (k) Training. The employer must train each employee who may be exposed 10 fall hazards while on, or hoisted by, equipment covered by this subpart on all of the following:
 - (l) the requirements in this subpart that address fall protection.
 - (2) the applicable requirements in 1926.500 and 1926.502

1926.1424 Work area control

(a) Swing radius hazards

- (2) prevent employees from entering these hazard areas, the employer must:
 - (i) Train each employee assigned to work on or near the equipment ("authorized personnel") in how to recognize struck-by and pinch/crush hazard areas posed by the rotating superstructure.
 - (ii) Erect and maintain control lines, warning lines, railings or similar barriers to mark the boundaries of the hazard areas. Exception: When the employer can demonstrate that it is neither feasible to erect such barriers on the ground nor on the equipment, the hazard areas must be clearly marked by a combination of warning signs (such as "Danger—Swing/Crush Zone") and high visibility markings on the equipment that identify the hazard areas. In addition, the employer must train each employee to understand what these markings signify.
- (3) Protecting employees in the hazard area.
 - (i) Before an employee goes to a location in the hazard area that is out of view of the operator, the employee (or someone instructed by the employee) must ensure that the operator is informed that he/she is going to that location.
 - (ii) Where the operator knows that an employee went to a location covered by paragraph (a)(1) of this section, the operator must not rotate the superstructure until the operator is informed in accordance with a pre-arranged system of communication that the employee is in a safe position.
- (b) Where any part of a crane/derrick is within the working radius of another crane/derrick, the controlling entity must institute a system to coordinate operations. If there is no controlling entity, the employer (if there is only one employer operating the multiple pieces of equipment), or employers, must institute such a system.

1926.1425 Keeping clear of the load

- (c) When employees are engaged in hooking, unhooking, or guiding the load, or in the initial connection of a load to a component or structure and are within the fall zone, all of the following criteria must be met:
 - (1) The materials being hoisted must be rigged to prevent unintentional displacement.
 - (2) Hooks with self-closing latches or their equivalent must be used. Exception: (J" hooks are permitted to be used for setting wooden trusses.
 - (3) The materials must be rigged by a qualified rigger.

1926.1427 Operator qualification and certification

(f) and (8) (f) Pre-qualification/certification training period. An employee who is not qualified or certified under this section is permitted to operate equipment only as an operator-in-training and only where the requirements of this paragraph are met.

(1) The employer must provide each operator-in-training with sufficient training prior to operating the equipment to enable the operator-in-training to operate the equipment safely under limitations established by this section (including continuous monitoring) and any additional limitations established by the employer.

(2) The tasks performed by the operator-in-training while operating the equipment must be within the operator-in-training's ability.

(3) Trainer. While operating the equipment, the operator-in-training must be continuously monitored by an individual ("operator's trainer") who meets all of the following requirements:

- (i) The operator's trainer is an employee or agent of the operator-in-training's employer.
- (ii) The operator's trainer is either a certified operator under this section, or has passed the written portion of a certification test under one of the options in paragraphs (b) through (e) of this section, and is familiar with the proper use of the equipment's controls.
- (iii) While monitoring the operator-in-training, the operator's trainer performs no tasks that detract from the trainer's ability to monitor the operator-in-training.
- (iv) For equipment other than tower cranes: The operator's trainer and the operator-in-training must be in direct line of sight of each other. In addition, they must communicate verbally or by hand signals. For tower cranes: the operator's trainer and the operator-in-training must be in direct communication with each other.

(4) Continuous monitoring. The operator-in-training must be monitored by the operator's trainer at all times, except for short breaks where all of the following are met:

- (i) The break lasts no longer than 15 minutes and there is no more than one break per hour.
- (ii) Immediately prior to the break the operator's trainer informs the operator-in-training of the specific tasks that the operator-in-training is to perform and limitations to which he/she must adhere during the operator trainer's break.

- (iii) The specific tasks that the operator-in-training will perform during the operator trainer's break are within the operator-in-training's abilities.
- (5) The operator-in-training must not operate the equipment in any of the following circumstances unless the exception stated in paragraph (f)(5)(v) of this section is applicable:
 - (i) If any part of the equipment, load line or load (including rigging and lifting accessories), if operated up to the equipment's maximum working radius in the work zone (see 1926.1408(a)(1)), could get within 20 feet of a power line that is up to 350 k or within 50 feet of a power line that is over 350 kV.
 - (ii) If the equipment is used to hoist personnel.
 - (iii) In multiple-equipment lifts.
 - (iv) If the equipment is used over a shaft, cofferdam, or in a tank farm.
 - (v) In multiple-lift rigging operations, except where the operator's trainer determines that the operator-in-training skills are sufficient for this high-skill work.
- (g) Under this section, a testing entity is permitted to provide training as well as testing services as long as the criteria of the applicable accrediting agency (in the option selected) for an organization providing both services are met.

1926.1428 Signal person qualifications

(c) Qualification Requirements. Each signal person must:

- (1) Know and understand the type of signals used. If hand signals are used, the signal person must know and understand the Standard Method for hand signals.
- (2) Be competent in the application of the type of signals used.
- (3) Have a basic understanding of equipment operation and [imitations, including the crane dynamics involved in swinging and stopping loads and boom deflection from hoisting loads.
- (4) Know and understand the relevant requirements of 1926.1419 through 1926.1422 and 1926.1428.
- (5) Demonstrate that he/she meets the requirements in paragraphs (c)(1) through (4) of this section through an oral or written test, and through a practical test.

1926.1430 Training

(a) through (g) The employer must provide training as follows:

- (a) Overhead power lines. The employer must train each employee specified in 1926.1408(g) and 1926.1410071) in the topics listed in 1926.1408(g).
- (b) Signal persons. The employer must train each employee who will be assigned to work as a signal person who does not meet the requirements of 1926.1428(c) in the areas addressed in that paragraph.
- (c) Operators
 - (l) Operators-in-Training for equipment where certification or qualification is required by this subpart. The employer must train each operator-in-training in the areas addressed in 1926.1427 (j). The employer must provide re-training if the operator-in-training does not pass a qualification or certification test.
 - (2) Transitional Period. During the four-year phase-in period for operator certification or qualification, as provided in 1926.1427(k), employers must train each operator who has not yet been certified or qualified in the areas addressed in 1926.1427(j).
 - (3) Operators excepted from the requirements of 1926.1427. The employer must train each operator excepted under 1926.1427(a) from the requirements of 1926.1427 on the safe operation of the equipment the operator will be using.
 - (4) The employer must train each operator of the equipment covered by this subpart in the following practices:
 - (i) On friction equipment, whenever moving a boom off a support, first raise the boom a short distance (sufficient to take the load of the boom) to determine if the boom hoist brake needs to be adjusted. On other types of equipment with a boom, the same practice is applicable, except that typically there is no means of adjusting the brake; if the brake does not hold, a repair is necessary. See 1926.1417(f) and (j) for additional requirements.
 - (ii) Where available, the manufacturer's emergency procedures for halting unintended equipment movement.
- (d) Competent persons and qualified persons. The employer must train each competent person and each qualified person regarding the requirements of this subpart applicable to their respective roles.
- (e) Crush/pinch points. The employer must train each employee who works with the equipment to keep clear of holes, and crush/pinch points and the hazards addressed in 1926.1424 (Work area control),
- (f) Tag-out. The employer must train each operator and each additional employee authorized to start/energize equipment or operate equipment controls (such as maintenance and repair employees), in the tag-out and start-up procedures in 1926.1417(f) and (g).

(g) Training administration

(1) The employer must evaluate each employee required to be trained under this subpart to confirm that the employee understands (he information provided in the training.

(2) The employer must provide refresher training in relevant topics for each employee when, based on the conduct of the employee or an

evaluation of the employee's knowledge, there is an indication that retraining is necessary.

(3) Whenever training is required under subpart CC, the employer must provide the training at no cost to the employee.

1926.1436 Derricks

(q) Qualification and Training. The employer must train each operator of a derrick on the safe operation of equipment the individual will operate. Section 1926.1427 of this subpart (Operator qualification and certification) does not apply.

1926.1438 Overhead & gantry cranes

(a) Permanently installed overhead and gantry cranes. The requirements of 1910.179, except for 1910.179(b)(1), and not the requirements of this subpart CC, apply to the following equipment when used in construction and permanently installed in a facility: overhead and gantry cranes, including semi gantry, cantilever gantry, wall cranes, storage bridge cranes, and others having the same fundamental characteristics.

(b) Overhead and gantry cranes that are not permanently installed in a facility.

(2) The following requirements apply to equipment identified in paragraph (b)(1) of this section:

(i) Sections 1926.1400 through 1926.1414; 1926.1417 through 1926.1425; 1926.1426(d); 1926.1427 through 1926.1434; 1926.1437, 1926.1439, and 1926.1441. [NOTE: This includes training at 1926.1404 assembly-disassembly, 1926.1419 Signals-general requirements, 1926.1423 Fall protection, 1926.1408(g) for power line safety (up to 350kV) — equipment operations.]

1926.1441 Equipment with a rated hoisting/lifting capacity of 2,000 pounds or less

The following paragraphs of this section specify requirements for employers using equipment with a maximum rated hoisting/lifting capacity of 2,000 pounds or less.

(a) The employer using this equipment must comply with the following provisions of this subpart:

.. 1926.1407 through 1926.1411 (Power line safety). . . [which directs employers to training requirements at 1926.1408(g)], sections 1926.1419 through 1926.1422 (Signals) [including 1419(c)(2) Nonstandard hand signals. When using non-standard hand signal, the signal person, operator, and lift director (where there is one) must contact each other prior to the operation and agree on the non-standard hand signals that will be used.], section 1926.1423 (Fall protection) [Including 1423(k) Training], section 1926.1432 (Multiple-crane/derrick lifts-supplemental requirements) [including 1432(b)(2) The lift director must review the plan in a meeting with all workers who will be involved with the operation.] , section 1926.1437 (Floating cranes/derricks and land cranes/derricks on barges) [including 1437(c)(2)(ii) Clearly mark the hazard areas by a combination of warning signs (such as, "Danger-Swing/Crush Zone") and high visibility markings on the equipment that identify the hazard areas. In addition, the employer must train each employee to understand what these markings signify.], and section 1926.1438 (Overhead & gantry cranes) [NOTE: See 1438 above for requirements].

- (e) Operator qualifications. The employer must train each operator, prior to operating the equipment, on the safe operation of the type of equipment the operator will be using.
- (f) Signal person qualifications. The employer must train each signal person in the proper use of signals applicable to the use of the equipment.