

STATE OF MAINE

**Maine Elevator & Tramway
Safety Program
Laws and Rules**



**DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

**MAINE ELEVATOR & TRAMWAY SAFETY PROGRAM
35 STATE HOUSE STATION
AUGUSTA, MAINE 04333
TELEPHONE: 207-624-8672**

<http://www.maine.gov/pfr/professionallicensing/professions/elevator/index.html>

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CHAPTER 133

ELEVATOR AND TRAMWAY SAFETY

§15201. Declaration of policy

It is the policy of the State to protect its citizens and visitors from unnecessary mechanical hazards in the operation of elevators and tramways and to ensure that reasonable design and construction are used, that accepted safety devices and sufficient personnel are provided and that periodic maintenance, inspections and adjustments considered essential for the safe operation of elevators and tramways are made. The responsibility for design, construction, maintenance and inspection rests with the firm, person, partnership, association, corporation or company that owns elevators or tramways. [PL 2001, c. 573, Pt. B, §1 (AMD); PL 2001, c. 573, Pt. B, §36 (AFF).]

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 2001, c. 573, §B1 (AMD). PL 2001, c. 573, §B36 (AFF).

§15202. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

1. Approved.

[PL 2013, c. 70, Pt. D, §1 (RP).]

2. Board.

[PL 2013, c. 70, Pt. D, §2 (RP).]

2-A. Chief inspector. "Chief inspector" means an individual in the employ of the State whose duties include the examination and inspection of elevators and tramways and who has been designated as chief inspector by the Commissioner of Professional and Financial Regulation.

[PL 2001, c. 573, Pt. B, §2 (NEW); PL 2001, c. 573, Pt. B, §36 (AFF).]

3. Commissioner. "Commissioner" means the Commissioner of Professional and Financial Regulation.

[PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

4. Department. "Department" means the Department of Professional and Financial Regulation.

[PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

4-A. Deputy inspector. "Deputy inspector" means an individual in the employ of the State whose duties include the examination and inspection of elevators and tramways under the direction of the chief inspector.

[PL 2001, c. 573, Pt. B, §2 (NEW); PL 2001, c. 573, Pt. B, §36 (AFF).]

4-B. Direct supervision. "Direct supervision" means that a helper is working in the presence of a licensed elevator or lift mechanic at all times.

[PL 2001, c. 573, Pt. B, §2 (NEW); PL 2001, c. 573, Pt. B, §36 (AFF).]

4-C. Director. "Director" means the Director of the Office of Professional and Occupational Regulation within the department.

[PL 2013, c. 70, Pt. D, §3 (AMD).]

5. Elevator. "Elevator" includes an escalator or a manlift and means a guided hoisting and lowering mechanism equipped with a car, platform or load-carrying unit, including doors, well, enclosures, means and appurtenances. "Elevator" does not include an inclined stairway chairlift, a

conveyor, chain or bucket hoist or a tiering, piling or feeding device. For the purposes of this subsection, "inclined stairway chairlift" means a mechanized chair apparatus running on a track or rail along the side of a staircase.

[PL 2003, c. 292, §1 (AMD).]

5-A. Elevator contractor. "Elevator contractor" means any person, firm, partnership, association, corporation or company engaged in the installation, sale, service, maintenance or inspection of elevators in this State.

[PL 2001, c. 573, Pt. B, §2 (NEW); PL 2001, c. 573, Pt. B, §36 (AFF).]

6. Escalator. "Escalator" means a power-driven, inclined and continuous stairway used for raising or lowering passengers.

[PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

7. Freight elevator.

[PL 2001, c. 573, Pt. B, §3 (RP); PL 2001, c. 573, Pt. B, §36 (AFF).]

7-A. Helper. "Helper" means a person who is not licensed under this chapter as an elevator mechanic or lift mechanic and who assists in the installation, service or maintenance of elevators located in this State while working under the direct supervision of a licensed elevator mechanic or licensed lift mechanic.

[PL 2001, c. 573, Pt. B, §4 (NEW); PL 2001, c. 573, Pt. B, §36 (AFF).]

7-B. Licensed private elevator inspector. "Licensed private elevator inspector" or "licensed private elevator and lift inspector" means an individual who has been licensed by the director to inspect elevators pursuant to this chapter and who is not a state employee whose duty is to inspect elevators.

[PL 2013, c. 70, Pt. D, §4 (AMD).]

8. Licensed private tramway inspector. "Licensed private tramway inspector" means an individual who has been licensed by the director to inspect tramways pursuant to this chapter and who is not a state employee whose duty is to inspect tramways.

[PL 2013, c. 70, Pt. D, §5 (AMD).]

9. Manlift. "Manlift" means a device, consisting of a power-driven, endless belt or chains, provided with steps or platforms and handholds attached to it for the transportation of personnel from floor to floor.

[PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

10. Operator. "Operator" means the person or persons who physically operate an elevator or tramway.

[PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

11. Owner. "Owner" means a firm, person, partnership, association, corporation or state or political subdivision that owns an elevator or tramway.

[PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

12. Passenger elevator.

[PL 2001, c. 573, Pt. B, §6 (RP).]

13. Physically handicapped person. "Physically handicapped person" means a person who has a physiological disability, infirmity, malformation, disfigurement or condition that eliminates or severely limits the person's ability to have access to the person's environment by normal ambulatory function, necessitating the use of crutches, a wheelchair or other similar device for locomotion.

[PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

14. Skier. "Skier" means any person who engages in any of the activities described in section 15217, subsection 1, paragraph B.

[PL 2007, c. 287, §1 (AMD).]

15. Ski area. "Ski area" means the ski slopes and trails, adjoining skiable terrain, areas designated by the ski area operator to be used for skiing as defined by section 15217, subsection 1, paragraph B and passenger tramways administered or operated as a single enterprise within this State. [PL 2007, c. 287, §2 (AMD).]

16. Ski industry. "Ski industry" means the activities of all ski area operators. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

17. Ski area operator. "Ski area operator" means a person or organization having operational responsibility for a ski area, including an agency or a political subdivision of this State. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

18. State inspector. [PL 2001, c. 573, Pt. B, §8 (RP); PL 2001, c. 573, Pt. B, §36 (AFF).]

19. Tramway. "Tramway" means a device used to transport passengers uphill on skis or in cars on tracks or suspended in the air by the use of steel cables, chains or belts or by ropes usually supported by trestles or towers with one or more spans. "Tramway" includes the following:

A. Reversible aerial tramways, which are that class of aerial passenger tramways and lifts by which passengers are transported in carriers and are not in contact with the ground or snow surface, and in which the carriers reciprocate between terminals. This class includes:

- (1) Single-reversible tramways, which are a type of reversible lift or aerial tramway having a single carrier, or single group of carriers, that moves back and forth between terminals on a single path of travel, sometimes called "to-and-fro" aerial tramways; and
- (2) Double-reversible tramways, which are a type of reversible lift or aerial tramway having 2 carriers, or 2 groups of carriers, that oscillate back and forth between terminals on 2 separate paths of travel, sometimes called "jig-back" aerial tramways; [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

B. Aerial lifts and skimobiles, which are that class of aerial passenger tramways and lifts by which passengers are transported in carriers and are not in contact with the ground or snow surface, and in which the carriers circulate around a closed system and are activated by a wire rope or chain. The carriers usually make U-turns in the terminals and move along parallel and opposing paths of travel. The carriers may be open or enclosed cabins, chairs, cars or platforms. The carriers may be fixed or detachable. This class includes:

- (1) Gondola lifts, which are a type of lift or aerial tramway by which passengers are transported in open or enclosed cabins. The passengers embark and disembark while the carriers are stationary or moving slowly under a controlled arrangement;
- (2) Chair lifts, which are a type of lift or aerial tramway by which passengers are transported in chairs, either open or partially enclosed; and
- (3) Skimobiles, which are a type of lift or aerial tramway by which passengers are transported in open or enclosed cars that ride on a rigid structural system and are propelled by a wire rope or chain; [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

C. Surface lifts, which are that class of conveyance by which passengers are propelled by means of a circulating overhead wire rope while remaining in contact with the ground or snow surface. Transportation is limited to one direction. Connection between the passengers and the wire rope is by means of a device attached to and circulating with the haul rope known as a "towing outfit." This class includes:

- (1) T-bar lifts, which are a type of lift in which the device between the haul rope and passengers forms the shape of an inverted "T," propelling passengers located on both sides of the stem of the "T";

(2) J-bar lifts, which are a type of lift in which the device between the haul rope and passenger is in the general form of a "J," propelling a single passenger located on the one side of the stem of the "J"; and

(3) Platter lifts, which are a type of lift in which the device between the haul rope and passenger is a single stem with a platter or disk, attached to the lower end of the stem, propelling the passenger astride the stem of the platter or disk; [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

D. Tows, which are that class of conveyance in which passengers grasp a circulating haul rope, which may be natural or synthetic fiber or metallic, or a handle or gripping device attached to the circulating haul rope, and are propelled by the circulating haul rope. The passengers remain in contact with the ground or snow surface. The upward-traveling haul rope remains adjacent to the uphill track at an elevation that permits the passengers to maintain their grasp on the haul rope, handle or gripping device throughout the portion of the tow length that is designed to be traveled; and [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

E. Similar equipment not specified in this subsection, but conforming to at least one of the general descriptions in this subsection. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

[PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

20. Tramway passenger. "Tramway passenger" means a person being transported or conveyed by a tramway, waiting in the immediate vicinity for transportation or conveyance by a tramway, moving away from the disembarkation or unloading point of a tramway to clear the way for the following passengers or boarding, embarking upon or disembarking from a tramway. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §X2 (AMD). PL 2001, c. 573, §§B2-8 (AMD). PL 2001, c. 573, §B36 (AFF). PL 2003, c. 292, §1 (AMD). PL 2007, c. 287, §§1, 2 (AMD). PL 2011, c. 286, Pt. B, §5 (REV). PL 2013, c. 70, Pt. D, §§1-5 (AMD).

§15203. Retroactive effect; exception

This chapter may not be construed to prevent the use or sale of elevators in this State that were being used or installed prior to January 1, 1950 and that have been made to conform to the rules of the director covering existing installations and must be inspected as provided for in this chapter. [PL 2013, c. 70, Pt. D, §6 (AMD).]

This chapter does not apply to elevators or tramways on reservations of the Federal Government, to elevators used for agricultural purposes on farms or to elevators located or maintained in private residences, as long as they are exclusively for private use. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 2001, c. 573, §B9 (AMD). PL 2001, c. 573, §B36 (AFF). PL 2013, c. 70, Pt. D, §6 (AMD).

§15204. Appeals; variances

A person aggrieved by an order or act of the chief inspector or a deputy inspector under this chapter may, within 15 days after notice of the order or act, appeal from the order or act to the director, who shall hold a hearing pursuant to Title 5, chapter 375, subchapter 4. After the hearing, the director shall issue an appropriate order either approving or disapproving the order or act. [PL 2013, c. 70, Pt. D, §7 (AMD).]

Any person who is or will be aggrieved by the application of any law, code or rule relating to the installation or alteration of elevators or tramways may file a petition for a variance, whether compliance with that provision is required at the time of filing or at the time that provision becomes effective. The filing fee for a petition for a variance must be set by the director under section 15225-A. The chief inspector may grant a variance if, owing to conditions especially affecting the particular building or installation involved, the enforcement of any law, code or rule relating to elevators or tramways would do manifest injustice or cause substantial hardship, financial or otherwise, to the petitioner or any occupant of the petitioner's building or would be unreasonable under the circumstances or condition of the property, provided that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of that law, code or rule. In granting a variance under this section, the chief inspector may impose limitations both of time and of use, and a continuation of the use permitted may be conditioned upon compliance with rules made and amended from time to time. A copy of the decision must be sent to all interested parties. [PL 2001, c. 573, Pt. B, §10 (AMD); PL 2001, c. 573, Pt. B, §36 (AFF).]

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §X3 (AMD). PL 2001, c. 573, §B10 (AMD). PL 2001, c. 573, §B36 (AFF). PL 2013, c. 70, Pt. D, §7 (AMD).

§15205. Board of Elevator and Tramway Safety

(REPEALED)

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §§X4,5 (AMD). PL 2007, c. 402, Pt. NN, §1 (AMD). PL 2013, c. 70, Pt. D, §8 (RP).

§15205-A. Director's powers and duties

1. Regulation. The director shall administer, coordinate and enforce this chapter. The director may appoint an advisory committee to assist the director on any matter that may arise under this chapter, as needed.

[PL 2013, c. 70, Pt. D, §9 (NEW).]

2. Rule-making authority. The director shall establish guidelines and adopt rules necessary for the proper administration and enforcement of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The rules must address, but are not limited to:

A. Requirements for the safe and proper construction, installation, alteration, repair, use, operation and inspection of elevators and tramways in this State. The rules must include standards for the review and audit of inspections performed by licensed private elevator inspectors not employed by the State. The rules must conform as nearly as practicable to the established standards as approved by the American National Standards Institute or its successor or other organization approved by the director; [PL 2013, c. 70, Pt. D, §9 (NEW).]

B. Requirements for licensure and renewal of private elevator and lift inspectors, including requirements for examination and continuing education; and [PL 2013, c. 70, Pt. D, §9 (NEW).]

C. Requirements for licensure and renewal of elevator and lift mechanics, including requirements for examination and continuing education. [PL 2013, c. 70, Pt. D, §9 (NEW).]

[PL 2013, c. 70, Pt. D, §9 (NEW).]

SECTION HISTORY

PL 2013, c. 70, Pt. D, §9 (NEW).

§15206. Powers and duties of board

(REPEALED)

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §X6 (RPR). PL 2001, c. 573, §B11 (AMD). PL 2001, c. 573, §B36 (AFF). PL 2007, c. 402, Pt. NN, §2 (AMD). PL 2013, c. 70, Pt. D, §10 (RP).

§15206-A. Denial or refusal to renew license; disciplinary action**1. Investigations.**

[PL 2007, c. 402, Pt. NN, §3 (RP).]

2. Suspension; revocation.

[PL 2007, c. 402, Pt. NN, §3 (RP).]

The director may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for any of the reasons enumerated in Title 10, section 8003, subsection 5-A, paragraph A. [PL 2013, c. 70, Pt. D, §11 (AMD).]

SECTION HISTORY

PL 1999, c. 386, §X7 (NEW). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 573, §B12 (AMD). PL 2001, c. 573, §B36 (AFF). PL 2007, c. 402, Pt. NN, §3 (RPR). PL 2013, c. 70, Pt. D, §11 (AMD).

§15207. Appointment of state inspectors**(REPEALED)**

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 687, §F11 (RP).

§15208. Examination of private elevator and lift inspectors; licenses and renewals

The director shall set standards necessary for the licensure and renewal of private elevator and lift inspectors. The fee for applications, examinations, licenses and renewals must be established by the director pursuant to section 15225-A and Title 10, section 8003, subsection 2-A, paragraph D. [PL 2013, c. 70, Pt. D, §12 (AMD).]

An elevator contractor or a person who is licensed as a private elevator and lift inspector who services an elevator or lift equipment may not inspect that elevator or lift equipment within 12 months from the date of servicing that elevator or lift equipment. [PL 2001, c. 573, Pt. B, §13 (RPR); PL 2001, c. 573, Pt. B, §36 (AFF).]

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §X8 (AMD). PL 1999, c. 627, §1 (AMD). PL 2001, c. 573, §B13 (RPR). PL 2001, c. 573, §B36 (AFF). PL 2013, c. 70, Pt. D, §12 (AMD).

§15208-A. Registration of elevator contractors

Any person, firm, partnership, association, corporation or company engaged in the installation, sale, service, maintenance or inspection of elevators in this State shall register with the director. The registration must be submitted on a form provided by the director and must include the names and addresses of all licensed private inspectors, licensed mechanics and all helpers employed by the elevator contractor. An elevator contractor shall notify the director of any change in the information required under this section within 30 days of the change. The required fee for registration must be set by the director under section 15225-A. [PL 2013, c. 70, Pt. D, §13 (AMD).]

SECTION HISTORY

PL 2001, c. 573, §B14 (NEW). PL 2001, c. 573, §B36 (AFF). PL 2013, c. 70, Pt. D, §13 (AMD).

§15209. Examination of private tramway inspectors; licenses

The director shall license an applicant as a private tramway inspector, who may perform the inspections required on tramways, if that applicant: [PL 2013, c. 70, Pt. D, §14 (AMD).]

1. Registration. Is a professional engineer with a current valid registration in some state. If an applicant for a private tramway inspector's license demonstrates to the director that the applicant possesses more than 6 years' experience in the construction, design, inspection and operation of tramways, this registration requirement may be waived by the director; [PL 2013, c. 70, Pt. D, §15 (AMD).]

2. Experience. Has considerable experience in the construction, design or maintenance of tramways; [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

3. Experience in inspecting. Has 4 years' experience inspecting tramways while working for an insurance company, a government agency or a company performing tramway or similar equipment inspections; [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

4. Capability and aptitude. Has the physical capability and aptitude to perform the duties of a private tramway inspector in a safe and thorough manner; and [PL 2001, c. 573, Pt. B, §15 (AMD); PL 2001, c. 573, Pt. B, §36 (AFF).]

5. Examination. Has sufficient experience and knowledge to achieve a satisfactory rating in an examination designed to test the applicant's knowledge of orders and principles of tramway safety. When an applicant for a private tramway inspector's license demonstrates more than 6 years' experience in the construction, design, inspection and operation of tramways, the provisions for examination may be waived.

A. The examination must be confined to questions the answers to which will aid in determining the fitness and competency of the applicant for the intended service and must be of uniform standard throughout the State. [PL 2013, c. 70, Pt. D, §16 (AMD).]

B. [PL 2001, c. 573, Pt. B, §15 (RP); PL 2001, c. 573, Pt. B, §36 (AFF).]

C. A private tramway inspector's license is issued for a period of one year. The license fee must be set by the director under section 15225-A. [PL 2001, c. 573, Pt. B, §15 (AMD); PL 2001, c. 573, Pt. B, §36 (AFF).]

D. Applications for examination and license must be on forms furnished by the director. The examination fee for a private tramway inspector's license must be set by the director under section 15225-A. [PL 2013, c. 70, Pt. D, §16 (AMD).]

[PL 2013, c. 70, Pt. D, §16 (AMD).]

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §X9 (AMD). PL 2001, c. 573, §B15 (AMD). PL 2001, c. 573, §B36 (AFF). PL 2013, c. 70, Pt. D, §§14-16 (AMD).

§15209-A. Private wire rope inspectors; licenses

The director may issue a license to an applicant as a private wire rope inspector, who may perform the inspections required for each tramway equipped with wire rope, if that applicant has a total of 5 years' experience in wire rope manufacture, installation, maintenance or inspection and meets the

requirements of this chapter and rules adopted by the director. A private wire rope inspector's license is issued for a period of one year. The license fee must be set by the director under section 15225-A. [PL 2013, c. 70, Pt. D, §17 (AMD).]

SECTION HISTORY

PL 1999, c. 386, §X10 (NEW). PL 2001, c. 573, §B16 (AMD). PL 2001, c. 573, §B36 (AFF). PL 2013, c. 70, Pt. D, §17 (AMD).

§15210. Revocation of private tramway or elevator inspector's license

The director may revoke a private tramway, elevator or lift inspector's license for the following causes: [PL 2013, c. 70, Pt. D, §18 (AMD).]

1. Failure to submit true reports. For failure to submit true reports concerning the conditions of a tramway or elevator or for conduct determined by the director to be contrary to the best interests of tramway or elevator safety or the director; and [PL 2013, c. 70, Pt. D, §18 (AMD).]

2. Physical infirmities. For physical infirmities that develop to a point at which it appears that an inspector is no longer able to perform the required duties in a thorough and safe manner. [PL 2013, c. 70, Pt. D, §18 (AMD).]

3. Failure to comply with chapter or rules. [PL 2007, c. 402, Pt. NN, §4 (RP).]

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §X11 (AMD). PL 2001, c. 573, §B17 (AMD). PL 2001, c. 573, §B36 (AFF). PL 2007, c. 402, Pt. NN, §4 (AMD). PL 2013, c. 70, Pt. D, §18 (AMD).

§15211. Notice of accidents

1. Reporting accidents. Each elevator or tramway accident that is caused by equipment failure or results in significant injury to a person or results in substantial damage to equipment must be reported by the owner or lessee to the chief inspector in accordance with the director's rules. [PL 2013, c. 70, Pt. D, §19 (AMD).]

2. Revocation of certificate. When an elevator or tramway accident as described in subsection 1 occurs, the inspection certificate for the involved elevator or tramway may be summarily revoked in accordance with and subject to the standards and limitations of Title 5, section 10004, pending decision on any application with the District Court for a further suspension. [PL 2001, c. 573, Pt. B, §18 (NEW); PL 2001, c. 573, Pt. B, §36 (AFF).]

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §X12 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 573, §B18 (RPR). PL 2001, c. 573, §B36 (AFF). PL 2013, c. 70, Pt. D, §19 (AMD).

§15212. Examination of accidents

The chief inspector may examine or cause to be examined the cause, circumstances and origin of all elevator or tramway accidents within the State. Upon request, the chief inspector shall furnish to the proper district attorney the names of witnesses and all information obtained. [PL 2001, c. 573, Pt. B, §19 (AMD); PL 2001, c. 573, Pt. B, §36 (AFF).]

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 2001, c. 573, §B19 (AMD). PL 2001, c. 573, §B36 (AFF).

§15213. Elevator or lift mechanics; license; definition

A person may not service, repair, alter or install any elevator unless that person is licensed as an elevator or lift mechanic under this chapter. Elevator work in industrial plants and manufacturing plants may be performed by plant personnel who are not licensed under this chapter if the work is supervised by the plant engineer and performed in compliance with rules adopted by the director. [PL 2013, c. 70, Pt. D, §20 (AMD).]

The word "elevator," as used in this chapter, includes all electrical equipment, wiring, steelwork and piping in the elevator machine room, hoistway and pit pertaining to the operation and control of an elevator, except power feeders and required power equipment up to the control panel, heating, lighting, ventilation and drainage equipment. [PL 2001, c. 573, Pt. B, §20 (AMD); PL 2001, c. 573, Pt. B, §36 (AFF).]

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §X13 (AMD). PL 2001, c. 573, §B20 (AMD). PL 2001, c. 573, §B36 (AFF). PL 2013, c. 70, Pt. D, §20 (AMD).

§15214. Issuance; qualifications

The director shall issue an elevator or lift mechanic's license to any applicant who has at least 2 years' experience in the service, repair, alteration or installation of elevators and lifts while employed by an elevator company, or has equivalent experience as defined by rules of the director, and meets the requirements established pursuant to section 15216. [PL 2013, c. 70, Pt. D, §21 (AMD).]

A licensed elevator or lift mechanic may not have more than 2 helpers under direct supervision. These helpers need not be licensed. [PL 1999, c. 386, Pt. X, §14 (AMD).]

A licensed elevator or lift mechanic shall comply with the provisions of this chapter and the rules adopted by the director. [PL 2013, c. 70, Pt. D, §21 (AMD).]

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §X14 (AMD). PL 2001, c. 573, §B21 (AMD). PL 2001, c. 573, §B36 (AFF). PL 2013, c. 70, Pt. D, §21 (AMD).

§15215. Inspector endorsement to elevator or lift mechanic's license

(REPEALED)

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §X15 (AMD). PL 2001, c. 573, §B22 (RP). PL 2001, c. 573, §B36 (AFF).

§15216. Examination of elevator or lift mechanics; applications; licenses; renewals

The director shall set standards necessary for the licensure and renewal of elevator or lift mechanics. The fee for applications, examinations, licenses and renewals must be established by the director pursuant to section 15225-A and Title 10, section 8003, subsection 2-A, paragraph D. Licenses are issued for a period of one year. [PL 2013, c. 70, Pt. D, §22 (AMD).]

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §X16 (AMD). PL 2001, c. 573, §B23 (RPR). PL 2001, c. 573, §B36 (AFF). PL 2013, c. 70, Pt. D, §22 (AMD).

§15216-A. Application fee

(REPEALED)

SECTION HISTORY

PL 1999, c. 386, §X17 (NEW). PL 2001, c. 573, §B24 (RP). PL 2001, c. 573, §B36 (AFF).

§15216-B. Wire rope inspectors; licenses

(REPEALED)

SECTION HISTORY

PL 1999, c. 386, §X17 (NEW). PL 2001, c. 573, §B24 (RP). PL 2001, c. 573, §B36 (AFF).

§15216-C. License renewal

Any license issued under this chapter is renewable upon satisfaction of the applicable requirements for renewal and payment of the renewal fee as set by the director under section 15225-A. The expiration dates for licenses issued under this chapter may be established at such other times as the commissioner may designate. [PL 2007, c. 402, Pt. NN, §5 (AMD).]

A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee in addition to the renewal fee as set under section 15225-A. Any person who submits an application for renewal more than 90 days after the license expiration date must pay an additional late fee as set under section 15225-A and is subject to all requirements governing new applicants under this chapter, except that the director, after giving due consideration to the protection of the public, may waive the examination and other requirements. Notwithstanding any other provision of this chapter, the director shall waive the examination if a renewal application is made within 90 days after separation from the United States Armed Forces, under conditions other than dishonorable, by a person who failed to renew that person's license because that person was on active duty in the Armed Forces; except that the waiver of examination may not be granted if the person served a period of more than 4 years in the Armed Forces, unless that person is required by some mandatory provision to serve a longer period and that person submits satisfactory evidence of this mandatory provision to the director. [PL 2013, c. 70, Pt. D, §23 (AMD).]

SECTION HISTORY

PL 1999, c. 386, §X17 (NEW). PL 2001, c. 573, §B25 (AMD). PL 2001, c. 573, §B36 (AFF). PL 2007, c. 402, Pt. NN, §5 (AMD). PL 2013, c. 70, Pt. D, §23 (AMD).

§15217. Skiers' and tramway passengers' responsibilities

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Inherent risks of skiing" means those dangers or conditions that are an integral part of the sport of skiing, including, but not limited to: existing and changing weather conditions; existing and changing snow conditions, such as ice, hardpack, powder, packed powder, slush and granular, corn, crust, cut-up and machine-made snow; surface or subsurface conditions, such as dirt, grass, bare spots, forest growth, rocks, stumps, trees and other natural objects and collisions with or falls resulting from such natural objects; lift towers, lights, signs, posts, fences, mazes or enclosures, hydrants, water or air pipes, snowmaking and snow-grooming equipment, marked or lit trail maintenance vehicles and snowmobiles, and other man-made structures or objects and their components, and collisions with or falls resulting from such man-made objects; variations in steepness or terrain, whether natural or as a result of slope design; snowmaking or snow-grooming operations, including, but not limited to, freestyle terrain, jumps, roads and catwalks or other terrain modifications; the presence of and collisions with other skiers; and the failure of skiers to ski safely, in control or within their own abilities. [PL 2007, c. 287, §3 (AMD).]

B. "Skiing" means the use of a ski area for snowboarding or downhill, telemark or cross-country skiing; for sliding downhill or jumping on snow or ice on skis, a toboggan, sled, tube, snowboard, snowbike or any other device; or for similar uses of any of the facilities of the ski area, including, but not limited to, ski slopes, trails and adjoining terrain. [PL 2007, c. 287, §3 (AMD).]

C. "Skier" means any person at a ski area who participates in any of the activities described in paragraph B. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

D. "Competitor" means a skier actually engaged in competition or a special event or training or practicing for competition or a special event on any portion of the ski area made available by the ski area operator. [PL 2007, c. 287, §3 (NEW).]

E. "Freestyle terrain" includes, but is not limited to, terrain parks and terrain park features such as jumps, rails, fun boxes and all other constructed or natural features, halfpipes, quarterpipes and freestyle-bump terrain. [PL 2007, c. 287, §3 (NEW).]

[PL 2007, c. 287, §3 (AMD).]

2. Acceptance of inherent risks. Because skiing as a recreational sport and the use of passenger tramways associated with skiing may be hazardous to skiers or passengers, regardless of all feasible safety measures that may be taken, each person who participates in the sport of skiing accepts, as a matter of law, the risks inherent in the sport and, to that extent, may not maintain an action against or recover from the ski area operator, or its agents, representatives or employees, for any losses, injuries, damages or death that result from the inherent risks of skiing.

[PL 2007, c. 287, §3 (AMD).]

3. Warning notice. A ski area operator shall post and maintain at the ski area where the lift tickets and ski school lessons are sold and at the loading point of each passenger tramway signs that contain the following warning notice:

WARNING:

Under Maine law, a skier assumes the risk of any injury to person or property resulting from any of the inherent dangers and risks of skiing and may not recover from any ski area operator for any injury resulting from any of the inherent dangers and risks of skiing, including, but not limited to: existing and changing weather conditions; existing and changing snow conditions, such as ice, hardpack, powder, packed powder, corn, crust and slush and cut-up, granular and machine-made snow; surface or subsurface conditions, such as dirt, grass, bare spots, rocks, stumps, trees, forest growth or other natural objects and collisions with such natural objects; lift towers, lights, signs, posts, fences, mazes or enclosures, hydrants, water or air pipes, snowmaking and snow-grooming equipment, marked or lit trail maintenance vehicles and snowmobiles, and other man-made structures or objects; variations in steepness or terrain, whether natural or as a result of slope design, snowmaking or grooming operations, including, but not limited to, freestyle terrain, jumps, roads and catwalks or other terrain modifications; the presence of and collisions with other skiers; and the failure of skiers to ski safely, in control or within their own abilities.

[PL 2007, c. 287, §3 (AMD).]

4. Duty to ski within limits of ability. A skier has the sole responsibility for knowing the range of the skier's own ability to negotiate any slope or ski trail, and it is the duty of the skier to ski within the limits of the skier's own ability, to maintain control of the rate of speed and the course at all times while skiing, to heed all posted and oral warnings and instructions by the ski area operator and to refrain from acting in a manner that may cause or contribute to the injury of the skier or others.

[PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

4-A. Competition and freestyle terrain. A competitor accepts all inherent risks of skiing and all risks of course, venue and area conditions, including, but not limited to: weather and snow conditions; obstacles; course or feature location, construction and layout; freestyle terrain configuration and condition; collision with other competitors; and other courses, layouts and configurations of the area to be used.

[PL 2007, c. 287, §3 (NEW).]

5. Responsibility for collisions. The responsibility for a collision between any skier while skiing and any person or object is solely that of the skier or skiers involved in the collision and not the responsibility of the ski area operator or its agents, representatives or employees. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

6. Liability. A ski area operator or its agents, representatives or employees are not liable for any loss, injury, damage or death resulting from the design of the ski area. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

7. Provision of name and current address required. A skier involved in, causing or contributing to a collision or other accident at a ski area that results in a fall or injury may not leave the vicinity of the collision or accident before giving that skier's name and current address to an employee or representative of the ski area operator or a member of the ski patrol, except for the purpose of securing aid for a person injured in the collision, in which case the person leaving the scene of the collision shall give that skier's name and current address after securing such aid. A ski area operator, or its agents, representatives or employees, is not liable for a skier's failure to provide that skier's name and address or for leaving the vicinity of an accident or collision. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

8. Actions not prohibited. This section does not prevent the maintenance of an action against a ski area operator for:

A. The negligent operation or maintenance of the ski area; or [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

B. The negligent design, construction, operation or maintenance of a passenger tramway. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]
[PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 2007, c. 287, §3 (AMD).

§15218. Duties of skiers and tramway passengers; acts prohibited

A person engaged in skiing or riding on a tramway may not: [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

1. Embark or disembark from tramway except as designated. Embark or disembark from any tramway, except at a designated area; [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

2. Throw or expel objects from tramway. While riding on any tramway or similar device, throw or expel any object or do any act or thing that interferes with the running of that tramway; [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

3. Engage in harmful conduct. While riding on any tramway, willfully engage in any type of conduct that will contribute to or cause injury to any person, or to the tramway, or willfully place any object in the uphill ski track that will cause injury to any person or cause damage to or derailment of the tramway; [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

4. Closed trails. Ski or otherwise use a slope or trail that has been designated "closed" by the operator without written permission of the operator or the operator's designee; [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

5. Removal or destruction of signs. Remove, alter, deface or destroy any sign or notice placed in the ski area or on the trail by the operator; or [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

6. Out-of-bounds areas. Ski or otherwise use any portion of the ski area that is not a part of a regular network of trails or areas open to the public, including wooded areas between trails, undeveloped areas and all other portions not open to the public, if the operator has properly posted these areas as being closed to public access.

[PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF).

§15219. Hang gliding

Hang gliding is also recognized as a hazardous sport. Therefore, a person who is hang gliding is deemed to have assumed the risk and legal responsibility for any injury to the hang glider's person or property in the same manner and to the same extent as skiers under this chapter. [PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF).

§15220. Penalties

1. Verbal warning; forfeiture of lift ticket. Any owner, manager or employee of any ski area, who finds a person in violation of section 15218, may first issue a verbal warning to that individual or suspend the individual's lift use privileges. Any person who fails to heed the warning issued by the ski area owner, manager or employee shall forfeit the ski lift ticket and ski lift use privileges and must be refused issuance of another lift ticket and is liable for any damages to the tramway and its incidental equipment that have been caused by the individual's misconduct.

[PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

2. Cost of rescue operation. When it is necessary to commence a rescue operation as a result of a violation of section 15218, subsection 6, any person who has committed the violation is liable for the cost of that rescue operation.

[PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AMD).]

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF).

§15221. Inspection of elevators and tramways

1. Fees; inspection certificate. Each elevator or tramway proposed to be used within this State must be thoroughly inspected by either the chief inspector, a deputy inspector or a licensed private elevator or tramway inspector and, if found to conform to the rules of the director, the director shall issue to the owner an inspection certificate. Fees for inspection and certification of elevators and tramways must be set by the director under section 15225-A and must be paid by the owner of the elevator or tramway. The certificate must specify the maximum load to which the elevator or tramway may be subjected, the date of its issuance and the date of its expiration. The elevator certificate must be posted in the elevator and the tramway certificate at a conspicuous place in the machine area.

[PL 2013, c. 70, Pt. D, §24 (AMD).]

2. Scheduled inspections. The owner of an elevator shall have the elevator inspected annually by a licensed private elevator inspector, the chief inspector or a deputy inspector. The owner of a tramway shall have the tramway inspected by a licensed private tramway inspector, the chief inspector or a deputy inspector twice each year. One tramway inspection must be made when weather conditions permit a complete inspection of all stationary and moving parts. The 2nd tramway inspection must be made while the tramway is in operation.

[PL 2001, c. 573, Pt. B, §26 (AMD); PL 2001, c. 573, Pt. B, §36 (AFF).]

3. Temporary suspension of inspection certificate; condemnation card. When, in the inspector's opinion, the elevator or tramway can not continue to be operated without menace to the public safety, the chief inspector or deputy inspector may temporarily suspend an inspection certificate in accordance with Title 5, section 10004 and post or direct the posting of a red card of condemnation at every entrance to the elevator or tramway. The condemnation card is a warning to the public and must be of such type and dimensions as the director determines. The suspension continues, pending decision on any application with the District Court for a further suspension. The condemnation card may be removed only by the inspector posting it or by the chief inspector.
[PL 2013, c. 70, Pt. D, §25 (AMD).]

4. Special certificate; special conditions. When, upon inspection, an elevator or tramway is found by the inspector to be in reasonably safe condition but not in full compliance with the rules of the director, the inspector shall certify to the chief inspector the inspector's findings and the chief inspector may issue a special certificate, to be posted as required in this section. This certificate must set forth any special conditions under which the elevator or tramway may be operated.
[PL 2013, c. 70, Pt. D, §26 (AMD).]

5. Inspection reports. Licensed private tramway and elevator inspectors shall submit inspection reports to the owner on a form provided by the director within 15 working days from the date of the inspection.
[PL 2013, c. 70, Pt. D, §27 (AMD).]

6. Follow-up inspections. All follow-up inspections necessary to enforce compliance must be performed by either the chief inspector or a deputy inspector. A fee set by the director under section 15225-A must be charged for those follow-up inspections.
[PL 2001, c. 573, Pt. B, §26 (AMD); PL 2001, c. 573, Pt. B, §36 (AFF).]

7. Certificate not transferable. An inspection certificate may not be transferred to any other person, firm, corporation or association. If ownership of an elevator or tramway is transferred, the new owner must apply for a new inspection certificate as required by section 15229, subsection 7.
[PL 2001, c. 573, Pt. B, §26 (NEW); PL 2001, c. 573, Pt. B, §36 (AFF).]

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §X18 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 573, §B26 (AMD). PL 2001, c. 573, §B36 (AFF). PL 2013, c. 70, Pt. D, §§24-27 (AMD).

§15222. Condemned elevators and tramways not to be operated

An elevator or tramway that has been condemned under section 15221 may not be operated in this State. Any person who owns or operates or causes to be operated for other than repair or corrective purposes an elevator or tramway in violation of this section commits a Class E crime and must be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both.
[PL 1995, c. 560, Pt. H, §14 (NEW); PL 1995, c. 560, Pt. H, §17 (AFF).]

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF).

§15223. Criminal operation of elevator or tramway

1. Prohibition. An owner of an elevator or tramway is guilty of criminal operation of an elevator or tramway if that owner operates that elevator or tramway without a current and valid inspection certificate.
[PL 2001, c. 573, Pt. B, §27 (NEW); PL 2001, c. 573, Pt. B, §36 (AFF).]

2. Strict liability. Criminal operation of an elevator or tramway is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[PL 2001, c. 573, Pt. B, §27 (NEW); PL 2001, c. 573, Pt. B, §36 (AFF).]

3. Specific number of days of criminal operation. Each day of criminal operation does not constitute a separate crime.

[PL 2001, c. 573, Pt. B, §27 (NEW); PL 2001, c. 573, Pt. B, §36 (AFF).]

4. Class of crime; enhanced fine. Criminal operation of an elevator or tramway is a Class E crime. However, notwithstanding Title 17-A, section 1704, subsection 5 or Title 17-A, section 1705, subsection 5, the court may impose an enhanced fine. The fine amount above that authorized under Title 17-A, section 1704, subsection 5 or Title 17-A, section 1705, subsection 5 is based solely on the number of days of criminal operation pleaded and proved by the State. For each day of criminal operation pleaded and proved, the court may increase the fine amount by up to \$100 for each of those days.

[PL 2019, c. 113, Pt. C, §85 (AMD).]

5. Imposition of sentence without enhanced fine. Nothing in subsection 3 or 4 may be construed to restrict a court, in imposing any authorized sentencing alternative, including a fine in an amount authorized under Title 17-A, section 1704, subsection 5 or Title 17-A, section 1705, subsection 5, from considering the number of days of illegal operation, along with any other relevant sentencing factor, which need not be pleaded or proved by the State.

[PL 2019, c. 113, Pt. C, §86 (AMD).]

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 2001, c. 573, §B27 (RPR). PL 2001, c. 573, §B36 (AFF). PL 2019, c. 113, Pt. C, §§85, 86 (AMD).

§15224. Installation of new elevators and tramways; fees

Detailed plans or specifications of each new or altered elevator or tramway must be submitted to and approved by the chief inspector before the construction may be started. Fees for examination of the plans or specifications must be set by the director under section 15225-A. [PL 2001, c. 573, Pt. B, §28 (AMD); PL 2001, c. 573, Pt. B, §36 (AFF).]

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §X19 (AMD). PL 2001, c. 573, §B28 (AMD). PL 2001, c. 573, §B36 (AFF).

§15225. Inspection fees

(REPEALED)

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §X20 (AMD). PL 2001, c. 573, §B29 (RP). PL 2001, c. 573, §B36 (AFF).

§15225-A. Fees

The director may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose other than permit and inspection fees may not exceed \$500. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2013, c. 70, Pt. D, §28 (AMD).]

1. Annual inspection or special inspection of elevators; fee.

[PL 2007, c. 402, Pt. NN, §6 (RP).]

2. Annual inspection of tramways; fee.

[PL 2007, c. 402, Pt. NN, §6 (RP).]

3. Application fee.

[PL 2007, c. 402, Pt. NN, §6 (RP).]

4. Examination.

[PL 2007, c. 402, Pt. NN, §6 (RP).]

5. Initial inspection of elevators.

[PL 2007, c. 402, Pt. NN, §6 (RP).]

6. Initial inspection of tramways; fee.

[PL 2007, c. 402, Pt. NN, §6 (RP).]

7. Inspection certificate fee.

[PL 2007, c. 402, Pt. NN, §6 (RP).]

8. Late inspection certificate fee.

[PL 2007, c. 402, Pt. NN, §6 (RP).]

9. License or registration.

[PL 2007, c. 402, Pt. NN, §6 (RP).]

10. Renewal of license, registration or inspection certificate.

[PL 2007, c. 402, Pt. NN, §6 (RP).]

11. Review of plans.

[PL 2007, c. 402, Pt. NN, §6 (RP).]

SECTION HISTORY

PL 2001, c. 573, §B30 (NEW). PL 2001, c. 573, §B36 (AFF). PL 2007, c. 402, Pt. NN, §6 (RPR). PL 2011, c. 286, Pt. B, §5 (REV). PL 2013, c. 70, Pt. D, §28 (AMD).

§15226. Reports by inspectors

A deputy inspector or licensed private inspector shall make a full report to the chief inspector, giving all data required by the rules adopted by the director and shall report to the chief inspector and to the owner all defects found and all noncompliances with the rules. When any serious infraction of the rules is found by a deputy inspector or licensed private inspector and that infraction is, in the opinion of the inspector, dangerous to life, limb or property, the inspector shall report that infraction immediately to the chief inspector. [PL 2013, c. 70, Pt. D, §29 (AMD).]

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §X21 (AMD). PL 2001, c. 573, §B31 (AMD). PL 2001, c. 573, §B36 (AFF). PL 2013, c. 70, Pt. D, §29 (AMD).

§15227. Powers of chief inspector

The director is authorized to investigate all elevator and tramway accidents that result in injury to a person or in damage to the installation. [PL 2013, c. 70, Pt. D, §30 (AMD).]

The chief inspector is authorized: [PL 1999, c. 386, Pt. X, §22 (AMD).]

1. Enforce laws and rules. To enforce the laws of the State governing the use of elevators and tramways and to enforce adopted rules of the director;
[PL 2013, c. 70, Pt. D, §31 (AMD).]

2. Free access to premises or location. To provide free access for deputy inspectors, including the chief inspector, at all reasonable times to any premises in the State where an elevator or tramway is installed or is under construction for the purpose of ascertaining whether that elevator or tramway is installed, operated, repaired or constructed in accordance with this chapter;
[PL 2001, c. 573, Pt. B, §32 (AMD); PL 2001, c. 573, Pt. B, §36 (AFF).]

3. Supervise inspectors. To allocate and supervise the work of deputy inspectors;

[PL 2001, c. 573, Pt. B, §33 (AMD); PL 2001, c. 573, Pt. B, §36 (AFF).]

4. Certificates. To issue and temporarily suspend certificates allowing elevators and tramways to be operated pursuant to Title 5, chapter 375; and
[PL 2013, c. 70, Pt. D, §32 (AMD).]

5. Examinations.
[PL 2013, c. 70, Pt. D, §33 (RP).]

6. Take uninspected or unrepaired elevators and tramways out of service. To take an elevator or tramway out of service in accordance with Title 5, section 10004 if an inspection report has not been submitted to the director within 60 days of the expiration of the most recent certificate or if the owner has failed to make repairs as required by the director. This power is in addition to the chief inspector's powers under section 15221, subsection 3.
[PL 2013, c. 70, Pt. D, §34 (AMD).]

SECTION HISTORY

PL 1995, c. 560, §H14 (NEW). PL 1995, c. 560, §H17 (AFF). PL 1999, c. 386, §X22 (AMD). PL 2001, c. 573, §§B32-34 (AMD). PL 2001, c. 573, §B36 (AFF). PL 2013, c. 70, Pt. D, §§30-34 (AMD).

§15228. Elevator size

1. Requirements. Notwithstanding section 15205-A, whenever a passenger elevator is installed in a building being newly constructed or in a new addition that extends beyond the exterior walls of an existing building, the passenger elevator must reach all levels within the building and be of sufficient size to allow the transport of a person on an ambulance stretcher in the fully supine position, without having to raise, lower or bend the stretcher in any way. This requirement applies to all plans approved after January 1, 2002. The director shall adopt rules necessary to carry out the provisions of this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2013, c. 70, Pt. D, §35 (AMD).]

2. Applicability. This section applies only to multi-story buildings that house private entities or nonprofit organizations that serve the public or are places of public accommodation. Notwithstanding Title 5, section 4553, subsection 8, places of public accommodation include restaurants, cafes, hotels, inns, banks, theaters, motion picture houses, bars, taverns, night clubs, country clubs, convention centers, retail stores, shopping centers, hospitals, private schools, day care centers, senior citizen centers, doctor offices, professional offices, manufacturing facilities, apartment buildings, condominiums, state facilities or any private establishment that in fact caters to, or offers its goods, facilities or services to, or solicits or accepts patronage from, the general public. This section does not apply to any building owned by a local unit of government.
[PL 2001, c. 178, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 178, §1 (NEW). PL 2013, c. 70, Pt. D, §35 (AMD).

§15229. Duties of owners of elevators or tramways

1. Owner responsibility. The responsibility for design, construction, maintenance and inspection of an elevator or tramway rests with the person, firm, partnership, association, corporation or company that owns the elevator or tramway.
[PL 2001, c. 573, Pt. B, §35 (NEW); PL 2001, c. 573, Pt. B, §36 (AFF).]

2. Obtain inspection certificate. The owner of an elevator or tramway shall submit an annual application for an annual inspection certificate together with the inspection report within 30 business days of the inspection and prior to the expiration of the current certificate. The application must be on

a form provided by the director and must be accompanied by the required fee set by the director under section 15225-A. A late fee set by the director under section 15225-A may be assessed for failure to submit the application and inspection report in a timely manner.

[PL 2013, c. 70, Pt. D, §36 (AMD).]

3. Failure to qualify for inspection certificate. The owner of an elevator or tramway that does not qualify for an inspection certificate shall take the elevator or tramway out of operation until the required repairs have been made and a new inspection certificate has been issued.

[PL 2001, c. 573, Pt. B, §35 (NEW); PL 2001, c. 573, Pt. B, §36 (AFF).]

4. Notify director when required repairs made. The owner of an elevator or tramway shall notify the director when required repairs have been made and provide the director with satisfactory evidence of completion.

[PL 2013, c. 70, Pt. D, §36 (AMD).]

5. Elevator or tramway declared idle or placed out of service. The owner of an elevator or tramway that has been declared idle or placed out of service in accordance with rules adopted by the director shall notify the director within 30 days of declaring the elevator or tramway idle.

[PL 2013, c. 70, Pt. D, §36 (AMD).]

6. Removal. The owner of an elevator or tramway shall notify the director within 30 days of the removal of the elevator or tramway.

[PL 2013, c. 70, Pt. D, §36 (AMD).]

7. Change of ownership. The owner of record of an elevator or tramway shall notify the director of a transfer of ownership of an elevator within 30 days of such transfer. The new owner shall apply, on a form provided by the director, for a new inspection certificate that will be issued without the need for an additional inspection for the remainder of the term of the current certificate. A fee for issuance of a new inspection certificate may be set by the director under section 15225-A.

[PL 2013, c. 70, Pt. D, §36 (AMD).]

8. Failure to comply. In addition to the remedies available under this chapter, an owner who fails to comply with the provisions of this chapter or rules adopted by the director is subject to the provisions of Title 10, section 8003, subsection 5 whether or not the elevator or tramway has a current inspection certificate, except that, notwithstanding Title 10, section 8003, subsection 5, paragraph A-1, subparagraph 3, a civil penalty of up to \$3,000 may be imposed for each violation.

[PL 2013, c. 70, Pt. D, §36 (AMD).]

SECTION HISTORY

PL 2001, c. 573, §B35 (NEW). PL 2001, c. 573, §B36 (AFF). PL 2013, c. 70, Pt. D, §36 (AMD).

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02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

ELEVATOR AND TRAMWAY SAFETY PROGRAM

Chapter 501: DEFINITIONS

Summary: This Chapter defines (1) terms that are used in the rules adopted by the Director and (2) terms used in 32 MRS Chapter 133, but not defined by statute. Terms used in the Program's rules also are defined by statute and by the national codes adopted in Chapter 511.

1. Incorporation by Reference; Conflicts

The Director incorporates in the Program's rules the definitions that appear in 32 MRS Chapter 133 and in the national codes adopted in Chapter 511 of these rules.

If a conflict exists as to definitions contained in 32 MRS Chapter 133, the Program's rules, or the national codes, the definitions in 32 MRS Chapter 133 prevail over both the definitions in the Program's rules and the definitions in the national codes, and the definitions in the Program's rules prevail over the definitions in the national codes.

2. Definitions

As used in the Program's rules, unless the context otherwise indicates, the following terms have the following meanings:

- A. **ASME.** "ASME" means the American Society of Mechanical Engineers.
- B. **ANSI.** "ANSI" means the American National Standards Institute.
- C. **Chief Inspector.** "Chief Inspector" means the Chief Inspector or the Chief Inspector's designee.
- D. **Declare Idle.** "Declare idle" means to place out of service.
- E. **Elevator.** "Elevator" means a guided hoisting and lowering mechanism equipped with a car, platform or load-carrying unit, including the doors, well enclosures, means and appurtenances required by the rules adopted by the Director. "Elevator" includes vertical lifts, incline lifts, escalators and manlifts.
- F. **Elevator Mechanic.** "Elevator mechanic" means a person who is licensed by the Director to install, service, repair or alter an elevator.
- G. **Lift.** "Lift" means a platform lift as defined in ASME A18.1.

- H. **Lift Mechanic.** “Lift mechanic” means a person who is licensed by the Director to install, service, repair or alter a lift.
- I. **Place Out of Service.** “Place out of service” means to render an elevator, unit or device safe and completely inoperable, other than for the purpose of making repairs, for an indefinite period.
- J. **Program.** “Program” means the Elevator and Tramway Safety Program as administered by the Director of the Office of Professional and Occupational Regulation.
- K. **Maximum Load.** With respect to elevators, “maximum load” means rated load. With respect to tramways, “maximum load” means design capacity.
- L. **Reportable Accident.** “Reportable accident” means an incident that is caused by equipment failure or results in significant injury or death to a person or that results in substantial damage to equipment.
- M. **Significant Injury (tramways).** With respect to tramways, significant injury includes, but is not limited to, an injury arising out of the use of a tramway that reasonably requires emergency or immediate medical attention but does not include injuries sustained during the process of loading or unloading the tramway that are not the result of equipment failure.
- N. **Suspend Operation.** “Suspend operation” means to not use the elevator, unit or device for any purpose, other than to make repairs, for a limited period of time.
- O. **Take Out of Operation or Service.** “Take out of operation or service” means to suspend operation.
- P. **Tramway Equipment Failure.** With respect to tramways, for purposes of the Program’s rules, equipment failure includes, but is not limited to:
- (1) Any malfunction that results in damage to or failure of, tramway components such as wire rope support structures, gear box, motor, bullwheel and bearings, brakes, roll back equipment shafts or couplings;
 - (2) Any deropement of an aerial tramway or lift;
 - (3) Any deropement of a surface lift or tow not caught by designed rope catchers or, if the surface lift or tow is not equipped with rope catchers, any deropement in which the wire rope leaves the tower support or bullwheel and reaches within 2 feet of the surface;
 - (4) Any failure of aerial lift carrier grips resulting in the slippage on the haul rope or detachment of the carrier from the main haul rope; and
 - (5) Any fire damage to mechanical equipment, control building, drive building or any structure close enough to the tramway to interfere with proper operation of the tramway.
-

(Note: In 2013, statutory changes restructured the licensing and regulation of elevators and tramways by eliminating the Board of Elevator and Tramway Safety and creating the Elevator and Tramway Safety Program, administered by the Director of the Office of Professional and Occupational Regulation.)

STATUTORY AUTHORITY: 32 MRS §§ 15202, 15205-A

EFFECTIVE DATE:

March 15, 1998

REPEALED AND REPLACED:

January 1, 2003 – filing 2002-480

AMENDED:

January 5, 2009 – filing 2008-604

December 1, 2015 – filing 2015-210

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Chapter 503: VARIANCES

Summary: This Chapter prescribes procedures for the filing of a petition for a variance under 32 MRS §15204.

1. Application and Fee

A petition for a variance must be submitted to the Chief Inspector on a petition form provided by the Program and must be accompanied by the filing fee. The owner shall comply with any request by the Chief Inspector for additional information.

(Note: In 2013, statutory changes restructured the licensing and regulation of elevators and tramways by eliminating the Board of Elevator and Tramway Safety and creating the Elevator and Tramway Safety Program, administered by the Director of the Office of Professional and Occupational Regulation.)

STATUTORY AUTHORITY: 32 MRS §§ 15204, 15205-A

EFFECTIVE DATE:

January 1, 2003 – filing 2002-483

AMENDED:

December 1, 2015 – filing 2015-211

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Chapter 507: ADVISORY RULINGS

Summary: This Chapter establishes requirements and guidelines for the Director's discretionary issuance of advisory rulings.

1. Authority and Scope

The Director may issue an advisory ruling in accordance with 5 MRS § 9001 concerning the applicability of a statute or rule to existing facts. The Director shall review each request for an advisory ruling to determine whether the requested ruling is appropriate. The Director may, at his or her discretion, decline to issue an advisory ruling if the question is hypothetical, if there is insufficient information upon which to base a ruling or for any other reason the Director deems proper.

2. Submission

A request for an advisory ruling must be submitted to the Director in writing and must set forth in detail all facts pertinent to the question. The Director may require submission of additional information the Director deems necessary to provide a complete factual background.

3. Ruling

The Director shall issue advisory rulings in writing. The advisory ruling must include a statement of the facts or assumptions, or both, upon which the ruling is based. The statement, without reference to other documents, must be sufficiently detailed to apprise the reader of the factual basis of the opinion. The ruling must be signed by the Director, must be identified specifically as an advisory ruling and must be numbered serially.

4. Publication

The Director shall mail the advisory ruling to the requesting party and the Program Administrator shall retain a copy. An advisory ruling is a public document and is available for public inspection during the normal working hours of the Program. In addition, the Director may otherwise publish or circulate an advisory opinion as the Director deems appropriate.

(Note: In 2013, statutory changes restructured the licensing and regulation of elevators and tramways by eliminating the Board of Elevator and Tramway Safety and creating the Elevator and Tramway Safety Program, administered by the Director of the Office of Professional and Occupational Regulation.)

STATUTORY AUTHORITY: 5 MRS §9001; 32 MRS §15205-A

EFFECTIVE DATE:

January 1, 2003 – filing 2002-489

AMENDED:

December 1, 2015 – filing 2015-212

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Chapter 513: ELEVATORS

Summary: This chapter establishes specific requirements for elevators in addition to those established in 32 MRS Chapter 133 and the national codes specified in Chapter 511.

1. New Installations; Alterations

- A. Before an elevator is installed, the owner shall submit, or cause to be submitted, to the Chief Inspector:
 - (1) Detailed plans for approval; and
 - (2) The completed form provided by the Chief Inspector for approval of plans and specifications, which must be accompanied by the fee set forth in Chapter 10, Section 5(16) of the rules of the Office of Professional and Occupational Regulation, entitled *Establishment of License Fees*.
- B. Before any alteration of an elevator, the owner shall submit to the Chief Inspector:
 - (1) Detailed plans and/or specifications for approval; and
 - (2) The completed form provided by the Chief Inspector for approval of plans and specifications, which must be accompanied by the fee set forth in Chapter 10, Section 5(16) of the rules of the Office of Professional and Occupational Regulation, entitled *Establishment of License Fees*.

Before beginning any installation or alteration, the owner shall comply with any request by the Chief Inspector for additional plans, specifications, or other information.

2. Registration Numbers

Registration numbers must be visible and must be legibly and permanently affixed in the following locations:

- A. **Elevators.** On the crosshead of the elevator car, controller and disconnect.
- B. **Escalators.** On the underside of the machine area access cover and controller or other location in the machine area.
- C. **Manlifts.** On the machine area structure.
- D. **Platform Lifts.** On the disconnect and tower.

3. **Standard Key for Firefighters' Service Switches**

Each elevator installed in the state equipped with "Firefighters' Service" and activated by a key operated switch or switches in the lobby, in the elevator car, or in both, must be installed with a key tumbler that accepts the designated standard key, the Yale 3502.

4. **Size Requirements for Stretchers**

- A. **Size Requirements.** A passenger elevator, as defined by ASME A17.1, installed in Maine must comply with the requirements of 32 MRS § 15228. The elevator must accommodate the transportation of a person on an ambulance stretcher at least 76 inches long by 24 inches wide placed horizontally in the elevator car.
- B. **Exclusions.** Vertical lifts, inclined lifts and escalators are excluded from the size requirements of 32 MRS § 15228 and this section of the Program's rules.

5. **Temporary Use of Permanent Elevators**

An elevator being installed for permanent use may be used temporarily during the construction of the building to carry workers and materials if: the elevator has been inspected by the Chief Inspector; the Chief Inspector has certified temporary use of the elevator; and a licensed elevator mechanic operates the elevator at all times during its temporary use. An application for temporary use under this section must be submitted to the Chief Inspector on a form provided by the Chief Inspector and must be accompanied by the filing fee required by Chapter 10, Section 5(16) of the rules of the Office of Professional and Occupational Regulation, entitled "Establishment of License Fees." The Chief Inspector may issue a certificate in accordance with this section for a period not to exceed 60 days.

6. **Vertical Platform Lifts – Disconnecting Means**

The disconnecting means for vertical platform lifts shall be at the lowest landing outside the runway.

(Note: In 2013, statutory changes restructured the licensing and regulation of elevators and tramways by eliminating the Board of Elevator and Tramway Safety and creating the Elevator and Tramway Safety Program, administered by the Director of the Office of Professional and Occupational Regulation.)

STATUTORY AUTHORITY: 32 MRS §§ 15205-A, 15221, 15224, 15225-A, 15227, 15228, 15229

EFFECTIVE DATE:

January 1, 2003 – filing 2002-496

AMENDED:

January 5, 2009 – filing 2008-607

December 1, 2015 – filing 2015-214

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Chapter 515: TRAMWAYS

Summary: This Rule establishes specific requirements for tramways in addition to those established in 32 MRS, Chapter 133, and the national code specified in Chapter 511.

1. New Installations; Alterations

A. Plans and Specifications. Before a tramway is installed, the owner shall submit, or cause to be submitted, to the Chief Inspector:

- (1) Detailed plans and specifications for approval in accordance with ANSI B77.1; and
- (2) The completed form provided by the Chief Inspector for approval of plans and specifications, which must be accompanied by the fee set forth in Chapter 10, Section 5(16) of the rules of the Office of Professional and Occupational Regulation, entitled *Establishment of License Fees*.

Before any ropeway modification of a tramway, the owner shall submit to the Chief Inspector:

- (1) Detailed plans and/or specifications for approval, which must be accompanied by the fee set forth in Chapter 10, Section 5(16) of the rules of the Office of Professional and Occupational Regulation, entitled *Establishment of License Fees*.

Before beginning any installation or ropeway modification, the owner shall comply with any request by the Chief Inspector for additional plans, specifications, or other information. If the Chief Inspector directs that a redesign is necessary, the owner shall follow the same procedure as that for a new installation.

B. Owner's Duty to Report on Progress. During the construction of a tramway, the owner shall inform the Chief Inspector of the progress of construction, including the proposed schedule for construction and any changes to the schedule.

C. Foundations and Anchorage. The owner shall provide the Chief Inspector a minimum of 48 hours notice before pouring concrete and installing anchorage. All excavations for foundations and anchorage must be inspected by the Chief Inspector before any structures are installed. The owner shall take samples of concrete used in the construction of the tramway as directed by the Chief Engineer and send them to a laboratory designated by the Chief Inspector for analysis at the owner's expense.

2. Acceptance Tests

Before any newly installed tramway or any newly altered existing tramway is placed in operation for the public, the Chief Inspector shall inspect and witness the acceptance test of the system.

3. Initial Inspection Expenses

The inspection of all excavations for foundations and anchorage, including pouring of concrete and installation of the ledge anchorage and any other preliminary inspection, constitute part of the initial inspection. Accordingly, the owner is responsible for their completion and cost.

(Note: In 2013, statutory changes restructured the licensing and regulation of elevators and tramways by eliminating the Board of Elevator and Tramway Safety and creating the Elevator and Tramway Safety Program, administered by the Director of the Office of Professional and Occupational Regulation.)

STATUTORY AUTHORITY: 32 MRS §§ 15205-A, 15221, 15224, 15225-A, 15227, 15229

EFFECTIVE DATE:

April 27, 1978 - as "Tramway Rules"
 September 22, 1978 filed 11-1-78 as Ch. 12

AMENDED:

October 11, 1979 - Ch. 12.01
 August 15, 1984 - Ch. 12.01
 November 13, 1987 - Ch. 12.01
 October 1, 1990 - Ch. 12.11
 June 4, 1992 - Ch. 12.01
 June 4, 1992 - Ch. 12.04

EFFECTIVE DATE:

March 15, 1998 - Ch. number changed to Ch. 7

REPEALED:

January 1, 2003 - filing 2002-488

EFFECTIVE DATE:

January 1, 2003 - as Ch. 15, "Tramways," filing 2002-498

AMENDED:

December 1, 2015 – filing 2015-215

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Chapter 521: ELEVATOR OWNERS' DUTIES AND RESPONSIBILITIES

Summary: This Chapter establishes general duties and responsibilities of owners of elevators. Duties and responsibilities of owners also are set forth in 32 MRS Chapter 133, and elsewhere in the Program's rules.

1. Initial Inspections

- A. **Interim Certificate.** After the Chief Inspector has made the initial inspection of an elevator, and if the elevator complies with all provisions of 32 MRS Chapter 133, the Program's rules, and the applicable national code, the Chief Inspector may issue an interim certificate for the operation of the elevator up to 60 days pending issuance of the initial inspection certificate.
- B. **Expenses.** The owner or the owner's designee shall pay the initial inspection fee required by Chapter 10, Section 5(16) of the rules of the Office of Professional and Occupational Regulation, entitled "Establishment of License Fees", and any related expenses for the initial inspection of an elevator. If the fee has not been paid by the date the interim certificate expires, the Chief Inspector shall direct the owner to suspend operation of the elevator.

2. Application for Annual Inspection Certificates

- A. **Notice.** Approximately 90 days before the expiration of an inspection certificate, the Program will send an application for a new inspection certificate to the owner. A failure by the Program to send the application does not relieve the owner of the duty to file a timely application for a new certificate.
- B. **Submission.** The owner shall submit to the Director an application for a new inspection certificate, the inspection report and the certificate fee required by Chapter 10, Section 5(16) of the rules of the Office of Professional and Occupational Regulation, entitled *Establishment of License Fees*, no later than 30 days before the date the current inspection certificate expires. The owner shall ensure that the elevator is inspected in sufficient time to comply with the requirements of this paragraph. The Director may assess a late inspection certificate fee if the owner fails to submit the application, inspection report, and certificate fee at least- 30 days prior to the date the current inspection certificate expires.
- C. **Rejection of Reports.** The Chief Inspector may reject any inspection report that is incomplete, illegible or otherwise fails to comply with the requirements of 32 MRS Chapter 133 or the rules adopted by the Director. If a report is rejected, the Chief Inspector shall return the report with a statement of the reasons for rejection to the owner.

3. Expiration of Inspection Certificates

- A. **Date of Expiration.** Annual inspection certificates for elevators expire on the last day of the month when the unit was last inspected and will expire annually on the last day of that month unless the owner requests to change the month of inspection, in a manner acceptable to the Chief Inspector.
- B. **Suspension of Operation.** If an inspection certificate expires before the Director issues a new inspection certificate, on the date of expiration the owner shall suspend operation of the elevator until the Director issues a new inspection certificate.

4. Orders of Correction

When an owner receives an order of correction stating that an elevator requires repair, the owner will not receive a new inspection certificate for the elevator until the owner submits satisfactory written evidence that the repairs have been completed.

5. Posting of Certificate

- A. **Display and Location.** The owner shall ensure that the original or a copy of the current inspection certificate issued under 32 MRS §15221 is displayed at all times in accordance with the following:
 - (1) **Elevators.** The owner of an elevator shall post the original or a copy of the inspection certificate in a conspicuous location in the elevator car.
 - (2) **Escalators.** The owner of an escalator shall post the original or a copy of the inspection certificate in a conspicuous location at the entrance to the escalator.
 - (3) **Inclined Lifts.** The owner of an inclined lift shall post the original or a copy of the inspection certificate at the bottom of the lift.
 - (4) **Manlifts.** The owner of a manlift shall post the original or a copy of the inspection certificate in a conspicuous place at the bottom landing.
 - (5) **Vertical Lifts.** The owner of a vertical lift shall post the original or a copy of the inspection certificate in the cab.
 - (6) If an owner posts a copy of the inspection certificate rather than the original, the copy must state that it is a copy and specify the location where the original is located and available for examination.
- B. **Replacement.** If an original inspection certificate is lost or stolen, the owner must replace the certificate promptly, but in any event not later than 30 days after the date it was lost or stolen. A request for replacement of an original certificate shall be submitted to the Director in writing and must be accompanied by the replacement fee required by Chapter 10, Section 3(1) of the rules of the Office of Professional and Occupational Regulation, entitled "Establishment of License Fees".

6. General Responsibility

Owners shall ensure that all parts of elevators, including machines, cars, hoistways, hoistway landing opening protective devices and all appurtenances are maintained in a structurally sound, firmly secured, and sufficient condition to perform safely the work for which they were intended and are kept sufficiently clean to prevent fire hazards. No existing elevator may be altered by removing, modifying or rendering inactive any safety feature that was part of the original installation or that was added at a later date, if the alteration diminishes the safety of the elevator below that which existed before the alteration.

7. Change of Status

- A. **Owner.** An owner shall notify the Director of any change in the owner's address or telephone number within 10 days of the change.
- B. **Elevator.** An owner shall notify the Director of any change of status with respect to an elevator within 10 days of the change. As used in this section, "change of status" means the transferal of ownership of an elevator, physical removal of an elevator, or placing an elevator out of service.

8. Accidents

A. Reporting of Accidents

- (1) **Initial Report.** When a reportable accident occurs, the owner of the elevator shall report the accident to the Chief Inspector, immediately, and in any event not later than 24 hours after the accident. The report must state the owner's name, the location of the accident, a brief statement of facts surrounding the accident, and the name(s) and telephone number(s) of the person(s) to be contacted regarding the accident.
- (2) **Additional Information.** After making the initial report required by subparagraph (1), the owner of an elevator involved in a reportable accident shall provide to the Chief Inspector any additional information requested by the Chief Inspector regarding the accident or the elevator.

B. Suspension of Operation

When a reportable accident occurs, the owner shall immediately suspend operation of the elevator, and the elevator must remain out of operation until the Chief Inspector has approved resumption of operation.

C. Examination and Determination

- (1) **Examination.** When a reportable accident occurs that results in significant injury to a person or substantial damage to equipment, the Chief Inspector may examine the elevator and investigate the circumstances surrounding the accident.

When a reportable accident occurs that involves equipment failure to an elevator and does not result in significant injury to a person or substantial damage to equipment, the Chief Inspector may authorize a licensed elevator mechanic to examine the elevator and to report to the Chief Inspector the findings from the examination.

- (2) **Determination.** After the Chief Inspector has examined, or has caused to be examined, the elevator and the circumstances surrounding the reportable accident, the Chief Inspector shall:
- (a) Approve the resumption of operation;
 - (b) Direct that the owner continue to suspend operation until required repairs have been made;
 - (c) Summarily revoke the inspection certificate in accordance with 32 MRS §5211(2); or
 - (d) Take other action with respect to the operation of the elevator that the Chief Inspector deems appropriate to ensure the safety of the public.

9. Unsafe Conditions

If an owner becomes aware of an unsafe condition involving an elevator, the owner shall immediately notify the Chief Inspector in accordance with the procedure for reporting accidents specified in section 8.

10. Placing an Elevator Out of Service

An owner who:

- A. Voluntarily places an elevator out of service;
- B. Is required to place an elevator out of service by 32 MRS Chapter 133 or the Program's rules; or
- C. Is directed by the Chief Inspector to place an elevator out of service shall comply with the standards of the applicable national codes specified in Chapter 511 and the provisions of this section.

When an owner places an elevator out of service, the work must be performed by a licensed elevator mechanic except as provided in 32 MRS §15213.

(Note: In 2013, statutory changes restructured the licensing and regulation of elevators and tramways by eliminating the Board of Elevator and Tramway Safety and creating the Elevator and Tramway Safety Program, administered by the Director of the Office of Professional and Occupational Regulation.)

STATUTORY AUTHORITY: 32 MRS §§ 15205-A, 15211, 15212, 15221, 15227, 15229

EFFECTIVE DATE:

January 1, 2003 – filing 2002-499

AMENDED:

January 5, 2009 – filing 2008-608

December 1, 2015 – filing 2015-216

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ELEVATOR AND TRAMWAY SAFETY PROGRAM

Chapter 523: TRAMWAY OWNERS' DUTIES AND RESPONSIBILITIES

Summary: This Chapter establishes general duties and responsibilities of owners of tramways. Duties and responsibilities of tramway owners also are set forth in 32 MRS Chapter 133, and elsewhere in the Program's rules.

1. Inspections

A tramway must be inspected by a licensed private tramway inspector or the Chief Inspector.

A. Inspections include the following, where applicable:

- (1) **Certificate Inspection.** The following inspections must be completed annually, and the reports of the inspections filed, together with the certificate fee required by Chapter 10, Section 5(16) of the rules of the Office of Professional and Occupational Regulation, entitled "Establishment of License Fees", with the Chief Inspector:
 - (a) Inspection by a licensed private tramway inspector or the Chief Inspector when the weather allows a complete inspection of all stationary and moving parts and all safety devices;
 - (b) Wire rope inspection by a licensed private wire rope inspector if the tramway is equipped with a wire rope; and
 - (c) Submission of satisfactory written evidence to the Chief Inspector that any noted deficiencies or required repairs have been made.
- (2) **Seasonal Operation Inspection.** Tramways must be inspected by a licensed private tramway inspector or the Chief Inspector not later than 30 days after the tramway begins operation for the ski season. The owner shall file with the Chief Inspector the operational inspection report and written evidence that any noted deficiencies or required repairs have been made.
- (3) **Off-Season Operation Inspection.** In addition to the requirements of subparagraph 1, when a tramway is operated for public use outside of the customary skiing season, the owner shall have the tramway inspected by a licensed private tramway inspector or the Chief Inspector during the time of off-season operation. The owner shall file with the Chief Inspector the off-season operation inspection report and written evidence that any noted deficiencies or required repairs have been made.

The owner shall inform the Chief Inspector whether the tramway will be used for off-season operation in the application for the annual certificate.

- B. **Notice of Operation.** The owner shall notify the Chief Inspector in writing that the tramway has begun operation no later than 10 days after the tramway begins operation for the season.

2. Expiration of Inspection Certificates

- A. **Date of Expiration.** Annual inspection certificates for tramways expire on December 31 of each year.
- B. **Suspension of Operation.** If an inspection certificate expires before the Director issues a new inspection certificate, the owner shall suspend operation of the tramway on the date of expiration until the Director issues a new inspection certificate.

3. Application for Annual Inspection Certificates

- A. **Notice.** Approximately 90 days before the expiration of an inspection certificate, the Office of Professional and Occupational Regulation will send an application for a new inspection certificate to the owner. A failure by the Office of Professional and Occupational Regulation to send the application does not relieve the owner of the duty to file a timely application for a new certificate.
- B. **Submission.** The owner shall submit to the Director an application for a new inspection certificate, the inspection report, the wire rope inspection report, if applicable, and the certificate fee required by Chapter 10, Section 5(16) of the rules of the Office of Professional and Occupational Regulation entitled *Establishment of License Fees*, no later than 30 days before the date the current inspection certificate expires. The owner shall ensure that the tramway is inspected in sufficient time to permit the owner to comply with the requirements of this paragraph. The Director may assess a late inspection certificate fee if the owner fails to submit the application, inspection report, and certificate fee at least 30 days prior to the date the current inspection certificate expires.
- C. **Rejection of Reports.** The Chief Inspector may reject any inspection report that is incomplete, illegible or otherwise fails to comply with the requirements of 32 MRS Chapter 133, or the rules adopted by the Director. If a report is rejected, the Chief Inspector shall return the report with a statement of the reasons for rejection to the owner.

4. Orders of Correction

When an owner receives an order of correction stating that a tramway requires repair, the owner will not receive a new inspection certificate for the tramway until the owner submits satisfactory written evidence that the repairs have been completed.

5. Posting of Certificate

- A. **Display.** The owner shall ensure that the original or a copy of the inspection certificate is displayed at all times in a conspicuous place at the loading point. If an owner posts a copy of the inspection certificate rather than the original, the copy must state that it is a copy and specify the location where the original is located and available for examination.
- B. **Replacement.** If an original inspection certificate is lost or stolen, the owner must replace the certificate promptly, but in any event not later than 30 days after the date it was lost or stolen. A request for replacement of an original certificate shall be submitted to the Director in writing and must be accompanied by the fee for replacement required by Chapter 10, Section 3(1) of the rules of the Office of Professional and Occupational Regulation, entitled *Establishment of License Fees*.

6. Change of Status

- A. **Owner.** An owner shall notify the Director of any change in the owner's address or telephone number within 10 days of the change.
- B. **Tramway.** An owner shall notify the Director of any change of status with respect to a tramway within 10 days of the change. As used in this section, "change of status" includes but is not limited to the transfer of ownership of a tramway, a decision to begin operation outside of the customary skiing season, a decision to discontinue operation outside of the customary skiing season, physical removal of a tramway, or placing a tramway out of service.

7. Accidents

A. Reporting of Accidents

- (1) **Initial Report.** The owner of the tramway shall report immediately a reportable accident to the Chief Inspector, and in any event not later than 24 hours after the accident. The report must include the owner's name, the location of the accident, a brief statement of facts surrounding the accident, and the name(s) and telephone number(s) of the person(s) to be contacted regarding the accident.

NOTE: To report an accident, refer to the accident telephone number listed on the certificate.

- (2) **Additional Information.** After making the initial report required by subparagraph (1), the owner of a tramway involved in a reportable accident shall provide any additional information requested by the Chief Inspector regarding the accident or the tramway.

B. Suspension of Operation

- (1) When a reportable accident occurs that results from equipment failure or substantial damage to such equipment, the owner shall immediately suspend

operation of the tramway, and the tramway must remain out of operation until the Chief Inspector has approved resumption of operation.

- (2) When a reportable accident involving significant injury occurs where there is no evidence that the accident was due to equipment failure and the accident did not result in significant damage to such equipment, operation of the tramway may be resumed, provided the owner certifies in writing to the Chief Inspector that the owner has inspected the tramway or caused the tramway to be inspected and the owner has verified that the accident was not the result of equipment failure and did not result in substantial damage to equipment. The certification need not be provided prior to resuming operation of the tramway but must be provided within 72 hours of resuming operations.

C. Examination and Determination

- (1) **Examination.** When a reportable accident occurs, the Chief Inspector shall examine the tramway and investigate the circumstances surrounding the accident.
- (2) **Determination.** In the event that the Chief Inspector has examined, or has caused to be examined, the tramway and the circumstances surrounding the reportable accident pursuant to subparagraph (1), the Chief Inspector may:
- (a) Approve the resumption of operation if suspension has occurred pursuant to paragraph B (1);
 - (b) Direct that the owner continue to suspend operation until required repairs have been made if suspension has occurred pursuant to paragraph B (1);
 - (c) Summarily revoke the inspection certificate in accordance with 32 MRS §15211(2); or
 - (d) Take other action with respect to the operation of the tramway that the Chief Inspector deems appropriate to ensure the safety of the public.

8. Unsafe Conditions

If an owner becomes aware of an unsafe condition involving a tramway, the owner shall immediately notify the Chief Inspector in accordance with the procedures for reporting accidents specified in section 7. An unsafe condition includes but is not limited to:

- A. Any abnormal operation of tramway equipment involving operating speed, operation of the brakes, and/or anti-roll back equipment; and
- B. Any evacuation of an aerial lift.

9. Maintenance Personnel

- A. **Training and Competence.** Tramway owners shall ensure that maintenance personnel employed to work on tramway equipment are trained and competent. Maintenance

personnel shall possess demonstrable ability to solve problems related to tramways and to perform work necessary to ensure safe operation of the equipment. Such ability may be demonstrated by a recognized degree or certificate of professional standing, or by extensive knowledge, training and experience.

- B. Training and Technical Proficiency.** It is the tramway owner's responsibility to ensure that all maintenance personnel are properly trained on the types of equipment that they maintain. Training must ensure that maintenance personnel possess technical proficiency in the equipment for which they are responsible and that they are familiar with the applicable national codes specified in Chapter 511 and the provisions of this section. Training may include, but is not limited to:
- (1) Manufacturers' training seminars;
 - (2) Other technical seminars; and
 - (3) On-the-job training.
- C. Scope of Obligation; Documentation.** The owner's responsibilities under this section extend to the owner's employees; contractors and subcontractors who work on or maintain the owner's tramways; and employees of such contractors and subcontractors. The training of all such individuals shall be documented in records maintained by the owner. The owner shall make these records available upon request to the Director and the Chief Inspector.
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(Note: In 2013, statutory changes restructured the licensing and regulation of elevators and tramways by eliminating the Board of Elevator and Tramway Safety and creating the Elevator and Tramway Safety Program, administered by the Director of the Office of Professional and Occupational Regulation.)

STATUTORY AUTHORITY: 32 MRS §§ 15205-A, 15211, 15212, 15221, 15227, 15229

EFFECTIVE DATE:

January 1, 2003 – filing 2002-500

AMENDED:

January 5, 2009 – filing 2008-609

December 1, 2015 – filing 2015-217

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

ELEVATOR AND TRAMWAY SAFETY PROGRAM

Chapter 531: LICENSED PRIVATE ELEVATOR INSPECTORS

Summary: This Chapter establishes requirements for initial and annual licensure of private elevator inspectors in accordance with 32 MRS §15208. This Chapter also establishes requirements for inspections and reports of inspections of elevators and standards for audits of inspections and inspection reports.

1. Applications

Applications for examination and licensure must be made on forms provided by the Director and must be accompanied by the fees required by Chapter 10, Section 5(16) of the rules of the Office of Professional and Occupational Regulation, entitled *Establishment of License Fees*.

2. Qualifications for Licensure

To qualify for a private elevator inspector's license, an applicant must:

- A. **Qualified Elevator Inspector Certification.** Be certified as a Qualified Elevator Inspector ("QEI") by an organization accredited by an independent, internationally or nationally recognized organization that accredits personnel certification bodies to ANSI/ISO/IEC 17024 or its equivalent and ASME QEI-1, and submit to the Director, together with the application to take the examination required by this Chapter, satisfactory evidence of certification;
- B. **Examination.** Obtain a grade of at least 80% on an examination administered by the Director. To be eligible to take the examination, the applicant must submit proof of QEI certification;
- C. **Deadline for Application for License.** Apply for the license within 90 days after receiving notification of a passing score on the examination; and
- D. **Fee; Forfeiture.** Submit the examination fee together with the application for the license. An applicant who fails to appear for a scheduled examination without notifying the Director before the examination forfeits the examination fee.

3. **Renewal of License**

- A. **Expiration.** All private elevator inspector licenses expire on August 31.
- B. **Eligibility for Renewal.** To renew a private elevator inspector's license, the applicant for renewal must comply with the provisions of 32 MRS §15216-C and this Chapter and must present satisfactory written evidence that the applicant is QEI certified at the time of application for renewal. A license may be renewed up to 90 days after expiration upon payment of the required late fee in addition to the required renewal fee. See Chapter 10, Section 5(16) of the rules of the Office of Professional and Occupational Regulation, entitled *Establishment of License Fees* and Chapter 11 of the rules of the Office of Professional and Occupational Regulation entitled *Late Renewals*.

4. **Reinstatement of License**

- A. **More than 90 Days but Not More than Two Years.** An individual who fails to renew a private elevator inspector's license for more than 90 days but not more than two years from the date of expiration may reinstate the license without taking the examination by filing a new application for renewal; presenting satisfactory written evidence that the applicant is QEI certified; and by filing and paying the license fee, late fee and additional late fee required by Chapters 10 and 11 of the rules of the Office of Professional and Occupational Regulation.
- B. **More than Two Years.** An individual who fails to renew a private elevator inspector's license for more than two years from the date of expiration must obtain a new license by satisfying the requirements of 32 MRS Chapter 133 and sections 1 and 2 of this Chapter.

5. **Inspections**

Licensed private elevator inspectors shall conduct inspections in accordance with the guidelines in ASME A17.2 to the extent applicable and the standards adopted in Chapter 511. In the event of a conflict between the guidelines of ASME A17.2 and the standards adopted in Chapter 511, the standards adopted in Chapter 511 govern.

NOTE:

Copies of ASME A17.2 ("Guide for Inspection of Elevators, Escalators, and Moving Walks") may be purchased from:

The American Society of Mechanical Engineers
Order Department
22 Law Drive
Box 2900
Fairfield NJ 07007- 2900
Telephone: (800) 843-2763
Web site: www.asme.org

6. Unsafe Conditions

If a licensed private elevator inspector observes an unsafe condition during an inspection, the licensed private elevator inspector shall immediately notify the Chief Inspector in accordance with 32 MRS §15226 and the procedure for reporting accidents specified in Chapter 521.

7. Inspection Reports

Licensed private elevator inspectors shall submit reports of elevator inspections in accordance with 32 MRS §15221 on forms acceptable to the Director. Each report must relate to only one elevator, which must be designated by its registration number. The private elevator inspector shall give the completed report to the owner of the elevator for submission to the Director.

8. Audit of Inspections and Inspection Reports

- A. **Authority.** The Chief Inspector may audit inspections of elevators and inspection reports of licensed private elevator inspectors to ensure compliance with 32 MRS Chapter 133 and the Program's rules. The Chief Inspector need not select reports for audit randomly.
- B. **Standards.** In conducting audits of inspections and inspection reports, the Chief Inspector shall determine whether the licensed private elevator inspector complied with the provisions of 32 MRS Chapter 133, the Program's rules, and the applicable national code specified in Chapter 511.

9. Independent Contractor

In performing all duties and tasks relating to elevators, licensed private elevator inspectors are deemed to be acting as independent contractors and not as officers, employees, or agents of the State of Maine. The State assumes no liability for the actions or omissions of licensed private elevators inspectors.

(Note: In 2013, statutory changes restructured the licensing and regulation of elevators and tramways by eliminating the Board of Elevator and Tramway Safety and creating the Elevator and Tramway Safety Program, administered by the Director of the Office of Professional and Occupational Regulation.)

STATUTORY AUTHORITY: 32 MRS §§ 15205-A, 15208, 15216-C, 15221, 15226, 15227

EFFECTIVE DATE:

November 28, 1995 (EMERGENCY) (Ch. 5)
July 21, 1996 (Ch. 5)

EFFECTIVE DATE (ELECTRONIC CONVERSION):

December 25, 1996 (Ch. 5)

REPEALED AND REPLACED:

March 15, 1998 – Ch. # changed to Ch. 8

REPEALED:

January 1, 2003 – filing 2002-490; see new Ch. 31, “Licensed Private Elevator Inspectors,”
filing 2002-501

EFFECTIVE DATE:

January 1, 2003 – filing 2002-501

AMENDED:

January 5, 2009 – filing 2008-610
December 1, 2015 – filing 2015-218

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

ELEVATOR AND TRAMWAY SAFETY PROGRAM

Chapter 533: LICENSED PRIVATE TRAMWAY INSPECTORS

Summary: This Chapter establishes requirements for initial and renewal licensure of private tramway inspectors in addition to those established by 32 MRS §15209. The Chapter also establishes requirements for inspections and reports of inspections of tramways and standards for audits of inspections and inspection reports. Requirements for licensure of private wire rope inspectors are set forth in Chapter 535.

1. Applications

Applications for examination and licensure must be on forms provided by the Director and must be accompanied by the fees established by the Director.

2. Qualifications for Licensure

To qualify for a private tramway inspector's license, an applicant must:

- A. **General Qualifications.** Meet the qualifications specified in 32 MRS §15209 and this Chapter;
- B. **Examination.** Unless a waiver is granted in accordance with 32 MRS §15209(5), obtain a grade of at least 80% on an examination administered by the Director. To be eligible to take the examination, the applicant must satisfy the requirements of 32 MRS §15209;
- C. **Deadline for Application.** Apply for the license within 90 days after receiving notification of a passing score on the examination; and
- D. **Fee; Forfeiture.** Submit the examination fee together with the application for the license. An applicant who fails to appear for a scheduled examination without notifying the Director before the examination forfeits the examination fee.

3. Renewal of License

- A. **Expiration.** All private tramway inspector licenses expire on December 31.
- B. **Eligibility for Renewal.** To renew a private tramway inspector's license, the applicant must comply with 32 MRS §15216-C and this Chapter. A license may be renewed up to 90 days after expiration upon payment of a late fee in addition to the renewal fee.

4. Reinstatement of License

- A. **More than 90 Days but Not More than Two Years.** An individual who fails to renew a private tramway inspector's license for more than 90 days but not more than two years from the date of expiration, may reinstate the license without taking the examination required by section 2, paragraph B, by filing a new application for renewal and by filing and paying the application fee, license fee, and penalty as set forth in the Office of Professional and Occupational Regulation Rules Chapter 10, *Establishment of License Fees*, Section 4.
- B. **More than Two Years.** An individual who fails to renew a private tramway inspector's license for more than two years from the date of expiration must obtain a new license by satisfying the requirements of Title 32, Chapter 133, and of sections 1 and 2 of this Chapter.

5. Inspections

Licensed private tramway inspectors shall conduct inspections in accordance with the standards adopted in Chapter 511.

6. Unsafe Conditions

If a licensed private tramway inspector observes an unsafe condition during an inspection, the licensed private elevator inspector shall immediately notify the Chief Inspector in accordance with 32 MRS §15226 and with the procedure for reporting accidents specified in Chapter 523.

7. Inspection Reports

Licensed private tramway inspectors shall submit reports of tramway inspections in accordance with 32 MRS §15221 on forms acceptable to the Director. Each report must include the registration number of each tramway inspected as well as any deficiencies noted. The private tramway inspector shall give the completed report to the owner of the tramway for submission to the Director.

8. Audit of Inspections and Inspection Reports

- A. **Authority.** The Chief Inspector may audit inspections of tramways and inspection reports of licensed private tramway inspectors to ensure compliance with Title 32, Chapter 133, and these rules. The Chief Inspector need not select reports for audit randomly.
- B. **Standards.** In conducting audits of inspections and inspection reports, the Chief inspector shall determine whether the licensed private tramway inspector complied with the provisions of Title 32, Chapter 133, these rules, and the national code specified in Chapter 511.

9. Independent Contractor

In performing all duties and tasks relating to tramways, licensed private tramway inspectors are deemed to be acting as independent contractors and not as officers, employees, or agents of the State of Maine. The State assumes no liability for the actions or omissions of licensed private tramway inspectors.

(Note: In 2013, statutory changes restructured the licensing and regulation of elevators and tramways by eliminating the Board of Elevator and Tramway Safety and creating the Elevator and Tramway Safety Program, administered by the Director of the Office of Professional and Occupational Regulation.)

STATUTORY AUTHORITY: 32 MRS §§ 15205-A, 15209, 15216-C, 15221, 15226, 15227

EFFECTIVE DATE:

March 15, 1998 – as Ch. 9, “Tramway Inspectors”

REPEALED:

January 1, 2003 – filing 2002-491

EFFECTIVE DATE:

January 1, 2003 – as Ch. 33, “Licensed Private Tramway Inspectors,” filing 2002-502

AMENDED:

December 1, 2015 – filing 2015-219

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

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ELEVATOR AND TRAMWAY SAFETY PROGRAM

Chapter 535: LICENSED WIRE ROPE INSPECTORS

Summary: This Chapter establishes requirements for initial and renewal licensure of private wire rope inspectors in addition to those established by 32 MRS §15209-A. The Chapter also establishes requirements for inspections and reports of inspections of tramways equipped with wire rope and standards for audits of inspections and inspection reports.

1. Applications

Applications for licensure must be on forms provided by the Director and must be accompanied by the fees established by the Director.

2. Qualifications for Licensure

An applicant for a private wire rope inspector's license must meet the qualifications specified in 32 MRS §15209-A.

3. Renewal of License

A. **Expiration.** All private wire rope inspector licenses expire on December 31.

B. **Eligibility for Renewal.** To renew a private wire rope inspector's license, the applicant must comply with 32 MRS §15216-C and this Chapter. A licensed wire rope inspector who fails to apply for renewal of the license within 90 days of the expiration of the license must apply and meet all qualifications for an initial wire rope inspector's license. A license may be renewed up to 90 days after expiration upon payment of a late fee in addition to the renewal fee.

4. Inspections

Licensed private wire rope inspectors shall conduct inspections in accordance with the standards adopted in Chapter 511.

5. **Unsafe Conditions**

If a licensed private wire rope inspector observes an unsafe condition during the course of an inspection, the inspector shall immediately report the unsafe condition to the Chief Inspector in accordance with the procedure for reporting accidents in Chapter 523.

6. **Inspection Reports**

Licensed private wire rope inspectors shall prepare reports of inspections of tramways equipped with wire rope on forms acceptable to the Director. Each report must relate to only one tramway, which must be designated by its registration number. The private wire rope inspector shall give the completed report to the owner of the tramway for submission to the Director.

7. **Audit of Inspections and Inspection Reports**

- A. **Authority.** The Chief Inspector may audit inspections of wire ropes and inspection reports of licensed private wire rope inspectors to ensure compliance with Title 32, Chapter 133, and the Program's rules. The Chief Inspector need not select reports for audit randomly.
- B. **Standards.** In conducting audits of inspections and inspection reports, the Chief Inspector shall determine whether the licensed private wire rope inspector complied with the provisions of Title 32, Chapter 133, the Program's rules, and the national code specified in Chapter 511.

8. **Independent Contractor**

In performing all duties and tasks relating to tramways equipped with wire rope, licensed private wire rope inspectors are deemed to be acting as independent contractors and not as officers, employees, or agents of the State of Maine. The State assumes no liability for the actions or omissions of licensed private wire rope inspectors.

(Note: In 2013, statutory changes restructured the licensing and regulation of elevators and tramways by eliminating the Board of Elevator and Tramway Safety and creating the Elevator and Tramway Safety Program, administered by the Director of the Office of Professional and Occupational Regulation.)

STATUTORY AUTHORITY: 32 MRS §§ 15205-A, 15209-A, 15216-C, 15221, 15226

EFFECTIVE DATE:

March 15, 1998 – as Ch. 10 “Wire Rope Inspectors”

REPEALED:

January 1, 2003 – filing 2002-492

EFFECTIVE DATE:

January 1, 2003 – as Ch. 35, “Licensed Wire Rope Inspectors” filing 2002-503

AMENDED:

December 1, 2015 – filing 2015-220

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

ELEVATOR AND TRAMWAY SAFETY PROGRAM

Chapter 537: LICENSED ELEVATOR MECHANICS

Summary: This Chapter establishes requirements for initial and renewal licensure of elevator mechanics in addition to those established by 32 MRS §§ 15213-15216-C.

1. Applications

Applications for examination and licensure must be on forms provided by the Director and must be accompanied by the fees established by the Director.

2. Qualifications for Licensure

To qualify for an elevator mechanic's license, an applicant must:

- A. **Experience.** Present satisfactory written evidence that the applicant has:
 - (1) At least 2 years' experience in the service, repair, alteration or installation of elevators while employed by an elevator company;
 - (2) At least 4000 hours' experience, over at least a 2-year period, in the service, repair, alteration or installation of elevators other than while employed by an elevator company; or
 - (3) Has at least 4000 hours' experience, over at least a 2-year period, in the service, repair, alteration or installation of elevators either while employed by an elevator company or in any other capacity.
- B. **Examination.** Obtain a grade of at least 80% on an examination administered by the Director. To be eligible to take the examination, the applicant must satisfy the requirements of section 2, paragraph A;
- C. **Deadline for Application.** Apply for the license within 90 days after receiving notification of a passing score on the examination; and
- D. **Fee; Forfeiture.** Submit the examination fee for an elevator mechanic's license together with the application for the license. An applicant who fails to appear for a scheduled examination without notifying the Director before the examination forfeits the examination fee.

3. **Renewal of License**

- A. **Expiration.** All elevator mechanic licenses expire on August 31.
- B. **Eligibility for Renewal.** To renew an elevator mechanic's license, an applicant for renewal must comply with the provisions of 32 MRS §15216-C. A license may be renewed up to 90 days after expiration upon payment of a late fee in addition to the renewal fee.

4. **Reinstatement of License**

- A. **More than 90 Days but Not More than 2 Years.** An individual who fails to renew an elevator mechanic's license for more than 90 days but not more than two years from the date of expiration, may reinstate the license without taking the examination required by section 2, paragraph B, by filing a new application for renewal and by filing and paying the application fee, license fee, and penalty as set forth in the Office of Professional and Occupational Regulation Rules Chapter 10, *Establishment of License Fees*, Section 4.
- B. **More than Two Years.** An individual who fails to renew an elevator mechanic's license for more than two years from the date of expiration must obtain a new license by satisfying the requirements of Title 32, Chapter 133, and of sections 1 and 2 of this Chapter.

5. **Unsafe Conditions**

If a licensed elevator mechanic observes an unsafe condition in the course of installing, servicing, testing or maintaining an elevator, the elevator mechanic shall immediately report the unsafe condition to the Chief Inspector in accordance with the procedure for reporting accidents specified in Chapter 521.

6. **Independent Contractor**

In performing all duties and tasks relating to elevators, licensed elevator mechanics are deemed to be acting as independent contractors and not as officers, employees, or agents of the State of Maine. The State assumes no liability for the actions or omissions of licensed elevator mechanics.

(Note: In 2013, statutory changes restructured the licensing and regulation of elevators and tramways by eliminating the Board of Elevator and Tramway Safety and creating the Elevator and Tramway Safety Program, administered by the Director of the Office of Professional and Occupational Regulation.)

STATUTORY AUTHORITY: 32 MRS §§ 15205-A, 15213, 15214, 15216, 15216-C

EFFECTIVE DATE:

January 1, 2003 – filing 2002-504

AMENDED:

December 1, 2015 – 2015-221

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

ELEVATOR AND TRAMWAY SAFETY PROGRAM

Chapter 539: LICENSED LIFT MECHANICS

Summary: This Chapter establishes requirements for licensure of lift mechanics in addition to those established by 32 MRS §§ 15213-15216-C.

1. Applications

Applications for examination and licensure must be on forms provided by the Director and must be accompanied by the fees established by the Director.

2. Qualifications for Initial Licensure

To qualify for a lift mechanic's license, an applicant must:

- A. **Experience.** Present satisfactory written evidence that the applicant:
- (1) Has at least 2 years' experience in the service, repair, alteration or installation of lifts while employed by an elevator company;
 - (2) Has at least 4000 hours' experience, over at least a 2-year period, in the service, repair, alteration or installation of lifts other than while employed by an elevator company;
 - (3) Has at least 4000 hours' experience, over at least a 2-year period, in the service, repair, alteration or installation of lifts either while employed by an elevator company or in any other capacity; or
 - (4) Holds a current Maine elevator mechanic's license.
- B. **Examination.** Obtain a grade of at least 80% on an examination administered by the Director. To be eligible to take the examination, the applicant must satisfy the requirements of section 2, paragraph A. An applicant holding a current Maine elevator mechanic's license need not take the examination;
- C. **Deadline for Application.** Apply for the license within 90 days after receiving notification of a passing score on the examination; and
- D. **Fee; Forfeiture.** Submit the examination fee for a lift mechanic's license together with the application for the license. An applicant for licensure who fails to appear for a

scheduled examination without notifying the Director before the examination forfeits the examination fee.

3. **Renewal of License**

- A. **Expiration.** All lift mechanic licenses expire on August 31.
- B. **Eligibility for Renewal.** To renew a lift mechanic's license, an applicant must comply with 32 MRS §15216-C. A license may be renewed up to 90 days after expiration upon payment of a late fee in addition to the renewal fee.

4. **License Reinstatement**

- A. **More than 90 Days but Not More than Two Years.** An individual who fails to renew a lift mechanic's license for more than 90 days but not more than two years from the date of expiration, may reinstate the license without taking the examination required by section 2, paragraph B, by filing a new application for renewal and by filing and paying the application fee, license fee, and penalty as set forth in the Office of Professional and Occupational Regulation Rules Chapter 10, *Establishment of License Fees*, Section 4.
- B. **More than Two Years.** An individual who fails to renew a lift mechanic's license for more than two years from the date of expiration must obtain a new license by satisfying the requirements of Title 32, Chapter 133, and of sections 1 and 2 of this Chapter.

5. **Unsafe Conditions**

If a licensed lift mechanic observes an unsafe condition in the course of installing, servicing, testing or maintaining a lift, the lift mechanic shall immediately report the unsafe condition to the Chief Inspector in accordance with the procedure for reporting accidents specified in Chapter 521.

6. **Independent Contractor**

In performing all duties and tasks relating to lifts, licensed lift mechanics are deemed to be acting as independent contractors and not as officers, employees, or agents of the State of Maine. The State assumes no liability for the actions or omissions of licensed lift mechanics.

(Note: In 2013, statutory changes restructured the licensing and regulation of elevators and tramways by eliminating the Board of Elevator and Tramway Safety and creating the Elevator and Tramway Safety Program, administered by the Director of the Office of Professional and Occupational Regulation.)

STATUTORY AUTHORITY: 32 MRS §§ 15205-A, 15213, 15214, 15216, 15216-C

EFFECTIVE DATE:

January 1, 2003 – filing 2002-505

AMENDED:

December 1, 2015 – filing 2015-222

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

ELEVATOR AND TRAMWAY SAFETY PROGRAM

Chapter 541: ELEVATOR CONTRACTORS

Summary: 32 MRS §15208-A requires that those engaged in the installation, sale, service, maintenance or inspection of elevators in Maine register with the Director annually. This Chapter establishes additional requirements relating to the registration of elevator contractors.

1. Initial Registration

An elevator contractor shall register with the Director in accordance with 32 MRS §15208-A. The registration must be on forms provided by the Director and must be accompanied by the fee for registration established by the Director.

2. Renewal of Registration

A. **Date of Expiration.** Initial and annual registrations for all elevator contractors expire on August 31.

B. **Renewal of Registration.** To renew its registration, an elevator company must comply with 32 MRS §15208-A and this Chapter. The annual fee for registration must accompany the registration form. A registration may be renewed up to 90 days after expiration upon payment of a late fee in addition to the renewal fee.

3. Unsafe Conditions

If an elevator contractor, or the inspector, mechanic or helper of an elevator contractor, observes an unsafe condition in the course of installing, servicing, maintaining, testing or inspecting an elevator, the elevator contractor, inspector, mechanic or helper shall immediately notify the Chief Inspector in accordance with the procedure for reporting accidents specified in Chapter 521.

4. Change in Information

An elevator contractor shall notify the Director in writing, including by electronic mail, of any change in the information provided to the Director at the time of initial or annual registration.

5. Independent Contractor

In performing all duties and tasks relating to elevators, elevator contractors and their inspectors, mechanics and helpers are deemed to be acting as independent contractors and not as officers, employees, or agents of the State of Maine. The State assumes no liability for the actions or omissions of elevator contractors, or their inspectors, mechanics, or helpers.

(Note: In 2013, statutory changes restructured the licensing and regulation of elevators and tramways by eliminating the Board of Elevator and Tramway Safety and creating the Elevator and Tramway Safety Program, administered by the Director of the Office of Professional and Occupational Regulation.)

STATUTORY AUTHORITY: 32 MRS §§ 15205-A, 15208-A

EFFECTIVE DATE:

January 1, 2003 – filing 2002-506

AMENDED:

December 1, 2015 – 2015-223