

Notice of Agency Rule-making Proposal

AGENCY: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Elevator and Tramway Safety Program

CHAPTER NUMBER AND TITLE:

Chapter 1: Definitions (amended)
Chapter 3: Variances (amended)
Chapter 7: Advisory Rulings (amended)
Chapter 11: National Codes Applicable to Elevators and Tramways (amended)
Chapter 13: Elevators (amended)
Chapter 15: Tramways (amended)
Chapter 21: Elevator Owners' Duties and Responsibilities (amended)
Chapter 23: Tramway Owners' Duties and Responsibilities (amended)
Chapter 31: Licensed Private Elevator Inspectors (amended)
Chapter 33: Licensed Private Tramway Inspectors (amended)
Chapter 35: Licensed Wire Rope Inspectors (amended)
Chapter 37: Licensed Elevator Mechanics (amended)
Chapter 39: Licensed Lift Mechanics (amended)
Chapter 41: Elevator Contractors (amended)

PROPOSED RULE NUMBER (*leave blank; assigned by Secretary of State*):

CONTACT PERSON FOR THIS FILING: Holly Doherty, Staff Attorney, Office of Professional and Occupational Regulation, 35 State House Station, Augusta, ME 04333, tel. 207-624-8615

CONTACT PERSON FOR SMALL BUSINESS INFORMATION (if different): Same as above.

PUBLIC HEARING (if any): None Scheduled.

COMMENT DEADLINE: July 24, 2015 at 5pm.

BRIEF *SUMMARY: In 2013, statutory changes eliminated the Board of Elevator and Tramway Safety and created the Elevator and Tramway Safety Program, which is administered by the Director of the Office of Professional and Occupational Regulation. The proposed rules amend all existing chapters by replacing references to the Board with references to the Program and/or Director. In addition, the proposed rules adopt updated versions of the national codes applicable to the design, construction, installation, maintenance, repair, alteration, operation, and inspection of elevators and tramways. The national codes are incorporated by reference into the rules. The proposed rules also: (1) change an elevator or tramway owner's time to apply for new inspection certificates from no later than 30 business days before the current inspection certificate expires to no later than 30 days in Chapters 21 and 23; (2) update the Qualified Elevator Inspector certification requirement in Chapter 31; (3) remove all references to vertical reciprocating conveyors; and (4) make other minor changes and updates. A more detailed description and the text of the proposed rules may be obtained from www.maine.gov/professionallicensing.

IMPACT ON MUNICIPALITIES OR COUNTIES (if any): None.

STATUTORY AUTHORITY FOR THIS RULE: 5 MRS §§ 8056(1)(B)(1)-(3), 9001; 32 MRS §§ 15202, 15204, 15205-A, 15208, 15208-A, 15209, 15209-A, 15211, 15212, 15213, 15214, 15216, 15216-C, 15221, 15224, 15225-A, 15226, 15227, 15228, 15229

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different):

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: holly.doherty@maine.gov

* Check one of the following two boxes.

The above summary is for use in both the newspaper and website notices.

The above summary is for the newspaper notice only. A more detailed summary / basis statement is attached.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT _____ DATE: _____
(authorized signature)

FUND	AGENCY	ORG	APP	JOB	OBJT	AMOUNT
------	--------	-----	-----	-----	------	--------

Rule-Making Fact Sheet

(5 MRS § 8057-A)

AGENCY: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Elevator and Tramway Safety Program

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON: Catherine Carroll, Program Administrator, Office of Professional and Occupational Regulation, 35 State House Station, Augusta, ME 04333, phone: 207-624-8605

CHAPTER NUMBER AND RULE TITLE:

Chapter 1: Definitions (amended)
Chapter 3: Variances (amended)
Chapter 7: Advisory Rulings (amended)
Chapter 11: National Codes Applicable to Elevators and Tramways (amended)
Chapter 13: Elevators (amended)
Chapter 15: Tramways (amended)
Chapter 21: Elevator Owners' Duties and Responsibilities (amended)
Chapter 23: Tramway Owners' Duties and Responsibilities (amended)
Chapter 31: Licensed Private Elevator Inspectors (amended)
Chapter 33: Licensed Private Tramway Inspectors (amended)
Chapter 35: Licensed Wire Rope Inspectors (amended)
Chapter 37: Licensed Elevator Mechanics (amended)
Chapter 39: Licensed Lift Mechanics (amended)
Chapter 41: Elevator Contractors (amended)

STATUTORY AUTHORITY: 5 MRS §§ 8056(1)(B)(1)-(3), 9001; 32 MRS §§ 15202, 15204, 15205-A, 15208, 15208-A, 15209, 15209-A, 15211, 15212, 15213, 15214, 15216, 15216-C, 15221, 15224, 15225-A, 15226, 15227, 15228, 15229

DATE AND PLACE OF PUBLIC HEARING: None Scheduled.

COMMENT DEADLINE: July 24, 2015 at 5pm.

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE: To reflect statutory changes that eliminated the Board of Elevator and Tramway Safety and created the Elevator and Tramway Safety Program administered by the Director of the Office of Professional and Occupational Regulation; to reflect updates to the national codes that have been incorporated by reference into the rules; to update the Qualified Elevator Inspector certification requirement; to remove references to vertical reciprocating conveyors; and to make minor revisions and updates throughout the rules.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (PRIMARY SOURCES): The text of the current rules and the professional judgment of the state inspectors. Also, the following editions of the national codes set forth by the American National Standards Institute ("ANSI") and the American Society of Mechanical Engineers ("ASME"):

ANSI B77.1 (2011 edition): “Passenger Ropeways – Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors – Safety Requirements.”

ASME A17.1 (2013 edition): “Safety Code for Elevators and Escalators.”

ASME A17.6 (2010 edition): “Standard for Elevator Suspension, Compensation and Governor Systems.”

ASME A18.1 (2014 edition): “Safety Standard for Platform Lifts and Stairway Chairlifts.”

ASME A90.1 (2009 edition): “Safety Standard for Belt Manlifts.”

ASME QEI-1 (2013 edition): “Standard for the Qualification of Elevator Inspectors.”

ANALYSIS AND EXPECTED OPERATION OF THE RULE: Due to the statutory changes that restructured the licensing and regulation of elevators and tramways, the Director proposes to amend all current rules by replacing references to the Board with references to the Program and/or Director, who now has the statutory authority to administer, coordinate, and enforce the rules. The rules must also be relocated to the Office of Professional and Occupational Regulation rules, and this relocation requires that the current chapter numbers be adjusted as shown in the proposed rules.

In this rulemaking, the Director also proposes to update the national code editions that have been incorporated by reference in Chapter 11 in order to allow licensees to incorporate the latest technologies into elevator and tramway installations and alterations. The code editions in rule have not been updated since the board’s last rulemaking in 2008. Updating the national code editions would not impose additional costs on licensees, and in fact, would reduce costs for those seeking to utilize certain newer technologies in the installation or alteration of elevators. The codes currently in rule are out of date and do not provide for newer, more energy-saving technologies. As a result, applicants seeking to use newer technologies must submit to the Chief Inspector a petition for a variance to the codes currently in rule, which costs both time and money. The updated editions of the codes, however, do provide for newer technologies. Therefore, businesses wishing to utilize newer technologies that the updated codes provide for will no longer need to seek a variance.

In Chapters 21 and 23 on elevator and tramway owners’ duties and responsibilities, the Director proposes to change the time required for an owner to apply for new inspection certificates from no later than 30 business days before the current inspection certificate expires to no later than 30 days. The change to 30 days prior to expiration provides more time for owners to apply for new inspection certificates and is also a clearer guideline that is easier to calculate.

In Chapter 31 on licensed private elevator inspectors, the Director proposes a change to the Qualified Elevator Inspector (“QEI”) certification that is required for private elevator inspector licensure. Currently, the rules require that an applicant be certified as a QEI by an organization accredited by the ASME Qualification of Inspector Committee. However, ASME no longer provides the accreditation standards. Therefore, the rule needs to be updated. Based on ASME QEI-1 – 2013: “Standard for the Qualification of Elevator Inspectors,” the proposed rule requires

an applicant to be certified as a 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.

In addition, the Director proposes to remove from the rules all references to vertical reciprocating conveyors (“VRCs”). In a prior rulemaking, the board sought to regulate VRCs. However, due to the statutory definition of an elevator, which states that an elevator does not include a conveyor, the board was unable to proceed with adopting a rule chapter on VRCs. Even though the rule chapter on VRCs was not adopted and these conveyors have never been regulated, the term VRC was not removed from the remaining rule chapters. The Director therefore seeks to correct this oversight with the proposed rule changes.

Other minor changes have been made to all rule chapters.

FINDINGS UNDER CRITERIA CONTAINED IN EXECUTIVE ORDER 20 FY 11/12:

(A) The proposed rules will not negatively impact job growth or creation; (B) There are no fees included in the rules; (C) There is no cost to the public in terms of time and money required to comply with the rules; (D) No other state laws or rules already address the subject matter of these rules; (E) There are no relevant federal standards.

FISCAL IMPACT OF THE RULE: None.

FOR RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:
ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:
INDIVIDUALS OR GROUPS AFFECTED AND HOW THEY WILL BE AFFECTED:
BENEFITS OF THE RULE:

Note: If necessary, additional pages may be used.

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

386 041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD OF ELEVATOR AND TRAMWAY SAFETY PROGRAM

Chapter 501: Definitions

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

1. Incorporation by Reference; Conflicts

The Board-Director incorporates in ~~its~~ the Program's rules the definitions that appear in 32 MRS~~A~~ 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~~A~~ Chapter 133, the Board's Program's rules, or the national codes, the definitions in 32 MRS~~A~~ Chapter 133 prevail over both the definitions in the Board's Program's rules and the definitions in the national codes, and the definitions in the Board's Program's rules prevail over the definitions in the national codes.

2. Definitions

As used in the Board's 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 Board Director. "Elevator" includes vertical lifts, incline lifts, escalators and manlifts.
- F. Elevator Mechanic. "Elevator mechanic" means a person who is licensed by the Board 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 Board 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.
- ~~J.~~ K. Maximum Load. With respect to elevators, “maximum load” means rated load. With respect to tramways, “maximum load” means design capacity.
- ~~K.~~ 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.
- ~~L.~~ 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.
- ~~M.~~ 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.
- ~~N.~~ O. Take Out of Operation or Service. “Take out of operation or service” means to suspend operation.
- ~~O.~~ P. Tramway Equipment Failure. With respect to tramways, for purposes of the ~~Board’s~~ 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.

EFFECTIVE DATE:

March 15, 1998

REPEALED AND REPLACED:

January 1, 2003 – filing 2002-480

AMENDED:

January 5, 2009 – filing 2008-604

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

386 041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

~~BOARD OF~~ ELEVATOR AND TRAMWAY SAFETY PROGRAM

Chapter 503: VARIANCES

Summary: This Chapter prescribes procedures for the filing of a petition for a variance under 32 M.R.S.~~A.~~ § 15204.

1. Application and Fee

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

STATUTORY AUTHORITY: 32 M.R.S.~~A.~~ §§ 15204, ~~15206~~ 15205-A

EFFECTIVE DATE:

January 1, 2003 – filing 2002-438

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

386 041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD OF ELEVATOR AND TRAMWAY SAFETY PROGRAM

Chapter 507: ADVISORY RULINGS

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

1. Authority and Scope

The Board Director may issue an advisory ruling in accordance with 5 M.R.S.A. § 9001 concerning the applicability of a statute or rule to existing facts. The Board Director shall review each request for an advisory ruling to determine whether the requested ruling is appropriate. The Board Director may, at ~~its~~ 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 Board Director deems proper.

2. Submission

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

3. Ruling

The Board 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 assent of four members of the Board is required for the issuance of an advisory ruling—~~ The ruling must be signed by the ~~Board's Chair~~ Director, must be identified specifically as an advisory ruling and must be numbered serially.

4. Publication

The ~~Department~~ Director shall mail the advisory ruling to the requesting party and the Board 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 Board Program. In addition, the Board Director may otherwise publish or circulate an advisory opinion as ~~if~~ the Director deems appropriate.

STATUTORY AUTHORITY: 5 M.R.S.A. § 9001; 32 M.R.S.A. § ~~15206~~ 15205-A

EFFECTIVE DATE:

January 1, 2003 – filing 2002-489

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

386 041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD OF ELEVATOR AND TRAMWAY SAFETY PROGRAM

Chapter 511: NATIONAL CODES APPLICABLE TO ELEVATORS AND TRAMWAYS

Summary: This Chapter specifies the national safety codes and standards that apply to elevators and tramways installed in the State of Maine. Additional requirements regarding elevators and tramways are contained in 32 MRS~~A~~ Chapter 133 and in other chapters of the rules adopted by the ~~Board~~ Director.

1. Adoption of Codes; Exceptions; Conflicts

The ~~Board~~ Director adopts and incorporates into this Chapter by reference the standards of the national codes and addenda specified in sections 2 and 4. When a rule in another Chapter refers to a national code, the reference is to the edition of the code and addenda adopted in this Chapter. In the event of a conflict between a standard in a national code or addenda and the provision of a Maine statute or the ~~Board's~~ Program's rules, the provision of the Maine statute or the ~~Board's~~ Program's rules governs.

2. Elevators

- A. **Pre-1984.** The design, construction, installation, maintenance, repair, alteration, operation and inspection of elevators installed before January 1, 1984, must comply with the standards of ASME A17.3, ~~2005~~ 2011 edition.
- B. **On or After January 1, 1984.** The design, construction, installation, maintenance, repair, alteration, operation and inspection of elevators installed on or after January 1, 1984, must comply with the standards of the following national codes and addenda:

<u>Type of Elevator</u>	<u>National Code</u>	<u>Supplement/Addenda to Code</u>
Elevators	ASME A17.1, 2007 <u>2013</u> edition ASME A17.6, 2010 edition	
Platform Lifts	ASME A18.1, 2005 <u>2014</u> edition	
Belt Manlifts	ASME A90.1, 2003 <u>2009</u> edition	
Vertical Reciprocating Conveyors	ASME B20.1, 2006 edition, to the extent that ASME B20.1 applies to vertical reciprocating conveyors	

Any device or equipment that constitutes an elevator, as that term is defined by 32 MRS~~A~~ § 15202(5), must be designed, constructed, installed, maintained, repaired, altered, operated, and

inspected in accordance with the standards specified in this section and not with any other national codes or standards.

NOTE:

When ASME A17.1 refers to editions of the code in effect at an earlier time, the relevant versions of the code are as follows:

<u>Date of Installation</u>	<u>National Code</u>	<u>Supplement/Addenda to Code</u>
1/1/84 to 6/3/92	ASME A17.1, 1981 edition	1982 Supplement
6/4/92 to 6/30/97	ASME A17.1, 1990 edition	
7/1/97 to 12/31/02	ASME A17.1, 1996 edition	
1/1/03 to effective date of this rule <u>1/4/09</u>	ASME A17.1, 2000 edition	2002 addenda
<u>1/5/09 to effective date of this rule</u>	<u>ASME A17.1, 2007 edition</u>	

3. Exceptions to National Codes - Elevators

A. The following are exceptions to ASME A17.1:

- (1) ASME A17.1, Section 1.2.1(b) and (c). The ~~Board~~ Director does not adopt ASME A17.1, Section 1.2.1(b) and (c).
- ~~(2) ASME A17.1, Section 5.2.1.27. In Maine, all Limited Use, Limited Accessibility (LULA) elevators shall be equipped with firefighters' emergency operation which conforms to Section 2.27.~~
- ~~(3)~~ (2) ASME A17.1, Section 8.11.1.1. In Maine, an individual who is licensed by the ~~Board~~ Program Director as an elevator inspector may inspect elevators. The ASME standard provides that anyone who is certified as a Qualified Elevator Inspector may inspect elevators.
- ~~(4)~~ (3) ASME A17.1, Section 8.11.1.1.2(a). In Maine, a licensed elevator mechanic is required to perform the periodic tests, complete the State Periodic Test Record, and post the completed Periodic Test Record in the machine room. The periodic tests need not be performed in the presence of an inspector. The ASME standard requires that the periodic tests be performed in the presence of an inspector.
- ~~(4)~~ ASME A17.1, Section 8.11.1.1.2(b). In Maine, the documentation requirements in Section 8.11.1.1.2(b) shall be completed by the licensed mechanic and kept with the maintenance records. The ASME standard requires that an inspector submit a written report to the authority having jurisdiction.

(5) ASME A17.1, Section 8.11.1.3. In Maine, periodic inspections must occur every 12 months and category 1, 3 and 5 periodic tests must be performed at 1-year, 3-year, and 5-year intervals, respectively.

(6) ASME A17.1, Section 2.20.1(b). Aramid Fiber Ropes for Elevators are not permitted.

B. The following are exceptions to ASME A17.6:

(1) ASME A17.6, Part 2 Aramid Fiber Ropes for Elevators is not adopted.

C. The following are exceptions to ASME A17.3:

(1) ASME A17.3, Section 1.2 “Application of Code.” In Maine, ASME A17.7 is not adopted.

(2) ASME A17.3, Section 1.5 “Alterations, Maintenance and Inspections and Tests.” In Maine, existing installations shall conform with ASME A17.1, as adopted by the Director.

~~B. D.~~ The following are exceptions to ASME A18.1:

(1) ASME A18.1. In Maine, all platform lifts must be equipped with two-way communication.

(2) ASME A18.1, Section 4, Inclined Stairway Chairlifts, in its entirety.

(3) ASME A18.1, Section 5, Private Residence Vertical Platforms, in its entirety.

(4) ASME A18.1, Section 6, Private Residence Inclined Platforms, in its entirety.

(5) ASME A18.1, Section 7, Private Residence Inclined Stairway Chairlifts, in its entirety.

(6) ASME A18.1, Section 10.1.1. In Maine, an individual who is licensed by the Director as a private elevator inspector may inspect elevators. The ASME standard provides that anyone who is certified as a Qualified Elevator Inspector may inspect elevators.

~~(a) In Maine, an individual who is licensed by the Board as a private elevator inspector may inspect elevators. The ASME standard provides that anyone who is certified as a Qualified Elevator Inspector may inspect elevators.~~

~~(b) In Maine, a licensed elevator or lift mechanic is not required to perform periodic inspections and tests in the presence of an inspector.~~

(7) ASME A18.1, Section 10.1.4. In Maine, an individual who is licensed by the Director as an elevator inspector may inspect lifts. The ASME standard provides that anyone who is certified as a Qualified Elevator Inspector may inspect lifts.

~~(8)~~ ASME A18.1, Section 10.1.2.1. In Maine, a licensed elevator or lift mechanic is not required to perform periodic inspections and tests in the presence of an inspector.

~~(7)~~ (9) ASME A18.1, Section 10.1.2.1. In Maine, a licensed elevator or lift mechanic is required to perform the periodic tests, complete the State Periodic Test Record, and post the completed Periodic Test Record in the machine room. The periodic tests need not be performed in the presence of an inspector. The ASME standard requires that the periodic tests be performed in the presence of an inspector.

~~(8)~~ (10) ASME A18.1, Section 10.2.1. In Maine, routine inspections must occur every 12 months. The ASME standard requires that routine inspections occur every 6 months.

~~C. The following is an exception to ASME B20.1:~~

~~In Maine, vertical reciprocating conveyors can only be installed in industrial facilities, manufacturing facilities and commercial locations where the general public is not permitted. ASME B20.1 does not limit the type of facilities in which vertical reciprocating conveyors may be installed.~~

4. Tramways

The design, construction, installation, maintenance, repair, alteration, operation and inspection of all tramways must comply with the provisions of ANSI B77.1, ~~2006~~ 2011 edition.

5. Exceptions to National Code - Tramways

A. The following are exceptions to ANSI B77.1:

~~(1) ANSI B77.1, Sections 3.3.4.3 and 4.3.4.3. The alternative method of testing grips every 6 years or 6000 hours is prohibited.~~

~~(2)~~ (1) Each chair must be equipped with a restraining device that will not open under forward pressure. Restraining devices must be utilized.

~~(3) Effective 3 years from the effective date of these rules, all signs must comply with Annex D.~~

~~(4) Effective one year from the effective date of these rules, operational controls must comply with Annex E.~~

NOTE:

Copies of ASME A17.1, A17.3, A18.1, A90.1 and B20.1 may be purchased from:

The American Society of Mechanical Engineers
Order Department
22 Law Drive
Box ~~2300~~ 2900
Fairfield NJ 07007- ~~2300~~ 2900

Telephone: (800) 843-2763
Web site: www.asme.org

A copy of ANSI B77.1 may be purchased from:

American National Standards Institute
~~11 West 42nd Street~~ 25 West 43rd Street
New York NY 10036
Telephone: (212) 642-4900
Web site: www.ansi.org

STATUTORY AUTHORITY: 5 MRS ~~A~~ §_8056(1)(B)(1-3), 32 MRS ~~A~~ §~~15206~~ 15205-A

EFFECTIVE DATE:

January 1, 2003 – filing 2002-494

AMENDED:

January 5, 2009 – filing 2008-606

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

386 041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

~~BOARD OF~~ ELEVATOR AND TRAMWAY SAFETY PROGRAM

Chapter 513: ELEVATORS

Summary: This chapter establishes specific requirements for elevators in addition to those established in 32 MRS~~A~~ 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 Board 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."
 - ~~(3) — The fee for review of plans and specifications required by Chapter 10, Section 5(16) of the rules of the Office of Licensing and Registration, entitled "Establishment of License Fees;" and~~
 - ~~(4) — The required fee for the initial certificate.~~
- 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 Board Chief Inspector for approval of plans and specifications; and 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."
 - ~~(3) — The required fee for review of plans and specifications.~~

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.
- ~~E. **Vertical Reciprocating Conveyors.** Marked near the manufacturer's nameplate.~~

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 ~~A~~ § 15228, ~~and must be able to~~ 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 ~~A~~ § 15228 and this section of the ~~Board's~~ 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 ~~Department~~ Chief Inspector and must be accompanied by the filing fee required by Chapter 10, Section 5(16) of the rules of the ~~Office of Licensing and Registration~~ 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.

STATUTORY AUTHORITY: 32 MRS ~~A~~ §§ ~~15206~~ 15205-A, 15221, 15224, 15225-A, 15227, 15228, 15229

EFFECTIVE DATE:

January 1, 2003 – filing 2002-496

AMENDED:

January 5, 2009 – filing 2008-607

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

386 041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

~~BOARD OF~~ ELEVATOR AND TRAMWAY SAFETY PROGRAM

Chapter 515: TRAMWAYS

Summary: This Rule establishes specific requirements for tramways in addition to those established in ~~Title~~ 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 ~~Board~~ 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."

~~(3) — The fee for review of plans and specifications~~

~~(4) — The fee for the initial certificate.~~

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

(1) Detailed plans and/or specifications for approval, ~~and~~ 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."

~~(2) — The fee for review of plans and specifications.~~

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.

STATUTORY AUTHORITY: 32 M.R.S. ~~A~~ §§ ~~15206~~ 15205-A, 15221, 15224, 15225-A, 15227, 15229

EFFECTIVE DATE:

April 27, 1978 – as “Tramway Rules”
 September 22, 1978 (Filed 11-1-78) (Ch. 12)
 January 1, 2003

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 # changed to Ch. 7

REPEALED:

January 1, 2003 – filing 2002-488

EFFECTIVE DATE:

January 1, 2003 – as Ch. 15, “Tramways,” filing 2002-498

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

386 041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD OF ELEVATOR AND TRAMWAY SAFETY PROGRAM

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~~A~~ Chapter 133, and elsewhere in the ~~Board's~~ 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~~A~~ Chapter 133, the ~~Board's~~ 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 Licensing and Registration~~ 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 ~~Department~~ Program will send an application for a new inspection certificate to the owner. A failure by the ~~Department~~ 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 ~~Board~~ 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 Licensing and Registration~~ Office of Professional and Occupational Regulation, entitled "Establishment of License Fees," no later than 30 ~~business~~ 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 ~~Board~~ 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~~A~~

Chapter 133 or the rules adopted by the Board 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 ~~petitions requests to change the month of inspection, in a manner acceptable to the Chief Inspector, on a form provided by the Board Director, to change the month of inspection.~~
- B. **Suspension of Operation.** If an inspection certificate expires before the Board Director issues a new inspection certificate, on the date of expiration the owner shall suspend operation of the elevator until the Board 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 ~~A~~ § 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. ~~An application for replacement of an original certificate must be made on a form provided by the Board~~ 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 Licensing and Registration~~ 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 ~~report to~~ notify the ~~Board Director of~~ any change in the owner’s address or telephone number within 10 days of the change.
- B. **Elevator.** An owner shall ~~report to~~ notify the ~~Board Director of~~ any change of status with respect to an elevator within 10 days of the change. ~~The report must be made on a form provided by the Board.~~ 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 ~~shall~~ 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~~A~~ § 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~~A~~ Chapter 133 or the ~~Board's Program's~~ rules; or
- C. Is directed by the ~~Board or 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~~A~~ § 15213.

STATUTORY AUTHORITY: 32 MRS~~A~~ §§ ~~15206~~ 15205-A, 15211, 15212, 15221, 15227, 15229

EFFECTIVE DATE:

January 1, 2003 – filing 2002-499

AMENDED:

January 5, 2009 – filing 2008-608

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

386 041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

~~BOARD OF~~ 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 MRSA Chapter 133, and elsewhere in the ~~Board's~~ Program's rules.

1. Inspections

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

~~To obtain an annual inspection certificate, the owner of a tramway must comply with the following:~~

~~A. **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 Licensing and Registration, entitled "Establishment of License Fees," with the Chief Inspector:~~

~~(1) 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;~~

~~(2) Wire rope inspection by a licensed private wire rope inspector if the tramway is equipped with a wire rope; and~~

~~(3) Submission of satisfactory written evidence to the Chief Inspector that any noted deficiencies or required repairs have been made.~~

~~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.

~~C. **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.~~

~~D. **Off-Season Operation Inspection.** In addition to the requirements of paragraph A, 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 Board whether the tramway will be used for off-season operation in the application for the annual certificate.~~

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 Board Director issues a new inspection certificate, the owner shall suspend operation of the tramway on the date of expiration until the Board 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 Licensing and Registration~~ Office of Professional and Occupational Regulation will send an application for a new inspection certificate to the owner. A failure by the ~~Office of Licensing and Registration~~ 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 Board 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 Licensing and Registration~~ Office of Professional and Occupational Regulation entitled “Establishment of License Fees,” no later than 30 ~~business~~ 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 Board 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 MRSA Chapter 133, or the rules adopted by the Board 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. ~~An application for replacement of an original certificate must be made on a form provided by the Board~~ 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 report to~~ the ~~Board Director of~~ any change in the owner's address or telephone number within 10 days of the change.
- B. **Tramway.** An owner shall ~~notify report to~~ the ~~Board Director of~~ any change of status with respect to a tramway within 10 days of the change. ~~The report must be made on a form provided by the Board.~~ 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 ~~Board 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 ~~A~~ § 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 ~~Board~~ Director and the Chief Inspector.
-

STATUTORY AUTHORITY: 32 MRS ~~A §§ 15206~~ 15205-A, 15211, 15212, 15221, 15227, 15229

EFFECTIVE DATE:

January 1, 2003 – filing 2002-500

AMENDED:

January 5, 2009 – filing 2008-609

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

386 041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD OF 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 ~~A~~ § 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 ~~Board~~ Director and must be accompanied by the fees required by Chapter 10, Section 5(16) of the rules of the ~~Office of Licensing and Registration~~ 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 ~~the ASME Qualification of Inspectors Committee 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 ~~Board~~ 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 ~~Board~~ 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 ~~Board~~ 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 A §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 Licensing and Registration Office of Professional and Occupational Regulation](#), entitled "Establishment of License Fees" and Chapter 11 of the rules of the [Office of Licensing and Registration 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 Licensing and Registration 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 A 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 ~~2300-2900~~
 Fairfield NJ 07007- ~~2300-2900~~
 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 A § [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~~A~~ §_15221 on forms ~~provided acceptable by to~~ the ~~Board 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 ~~Board 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~~A~~ Chapter 133 and the ~~Board's 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~~A~~ Chapter 133, the ~~Board's Program's~~ rules, and the applicable national code specified in Chapter ~~5~~11.

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.

STATUTORY AUTHORITY: 32 MRS~~A~~ §§ ~~15206~~ 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

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

386 041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD OF 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 M.R.S.A. § 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 Board 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 M.R.S.A. § 15209 and this Chapter;
- B. **Examination.** Unless a waiver is granted in accordance with 32 M.R.S.A. § 15209(5), obtain a grade of at least 80% on an examination administered by the Board Director. To be eligible to take the examination, the applicant must satisfy the requirements of 32 M.R.S.A. § 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 Board-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 M.R.S.A. § 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 Licensing and Registration~~ 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 M.R.S.~~A.~~ § 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 M.R.S.~~A.~~ § 15221 on forms acceptable to the ~~Board~~ 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 ~~Board~~ 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.

STATUTORY AUTHORITY: 32 M.R.S.A. §§ ~~15206~~ 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

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

386 041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD OF 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 M.R.S.~~A~~ § 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 ~~Board~~ 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 M.R.S.~~A~~ § 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 M.R.S.~~A~~ § 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 provided by acceptable to the Board 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 Board 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 Board's 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 Board's 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.

STATUTORY AUTHORITY: 32 M.R.S. ~~A~~ §§ ~~15206~~ 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

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

386 041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD OF 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 M.R.S. ~~A~~ §§ 15213-15216-C.

1. Applications

Applications for examination and licensure must be on forms provided by the ~~Board~~ 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 ~~last~~ 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 ~~Board~~ 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 ~~Board~~ 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 M.R.S.~~A.~~ § 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 Licensing and Registration~~ 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.

STATUTORY AUTHORITY: 32 M.R.S.~~A.~~ §§ ~~15206~~ 15205-A, 15213, 15214, 15216,
15216-C

EFFECTIVE DATE:

January 1, 2003 – filing 2002-504

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

386 041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

~~BOARD OF~~ 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 M.R.S. ~~A~~ §§ 15213-15216-C.

1. Applications

Applications for examination and licensure must be on forms provided by the ~~Board~~ 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

~~(3)~~ (4) Holds a current Maine elevator mechanic's license.

B. Examination. Obtain a grade of at least 80% on an examination administered by the ~~Board~~ Director. To be eligible to take the examination, the applicant must satisfy the requirements of section ~~1~~ 2, paragraph A ~~or B~~. 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 ~~Board~~ 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 M.R.S.~~A.~~ § 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 Licensing and Registration~~ 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.

STATUTORY AUTHORITY: 32 M.R.S.~~A.~~ §§ ~~15206~~ 15205-A, ~~15213-15216~~ 15213, 15214, 15216, 15216-C

EFFECTIVE DATE:

January 1, 2003 – filing 2002-505

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

386 041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD OF ELEVATOR AND TRAMWAY SAFETY PROGRAM

Chapter 541: ELEVATOR CONTRACTORS

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

1. Initial Registration

An elevator contractor shall register with the ~~Board~~ Director in accordance with 32 M.R.S.~~A~~ § 15208-A. The registration must be on forms provided by the ~~Board~~ 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 M.R.S.~~A~~ § 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 ~~Board~~ Director in writing, including by electronic mail, of any change in the information provided to the ~~Board~~ 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.

STATUTORY AUTHORITY: 32 M.R.S. ~~A.~~ §§ ~~15206~~ 15205-A, 15208-A

EFFECTIVE DATE:

January 1, 2003 – filing 2002-506