



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 414

H.P. 287

House of Representatives, February 12, 2013

An Act To Restructure the Licensing and Regulation of Boilers and Pressure Vessels and Elevators and Tramways

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative VOLK of Scarborough.
Cosponsored by Senator PATRICK of Oxford and
Representative: GILBERT of Jay.

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

2 **PART A**

3 **Sec. A-1. 5 MRSA §12004-A, sub-§7**, as amended by PL 1999, c. 687, Pt. B, §1,
4 is repealed.

5 **Sec. A-2. 5 MRSA §12004-A, sub-§14**, as amended by PL 1999, c. 687, Pt. B,
6 §1, is repealed.

7 **PART B**

8 **Sec. B-1. 10 MRSA §8001, sub-§38**, as amended by PL 2011, c. 286, Pt. B, §1,
9 is further amended to read:

10 **38. Office of Professional and Occupational Regulation.** Office of Professional
11 and Occupational Regulation. The Office of Professional and Occupational Regulation is
12 composed of the following:

- 13 A. Board of Accountancy;
- 14 D. Maine State Board for Licensure of Architects, Landscape Architects and Interior
15 Designers;
- 16 F. Board of Licensing of Auctioneers;
- 17 H. Board of Chiropractic Licensure;
- 18 H-1. Board of Complementary Health Care Providers;
- 19 J. Board of Counseling Professionals Licensure;
- 20 K. Board of Licensing of Dietetic Practice;
- 21 L. Electricians' Examining Board;
- 22 M. Board of Licensure of Foresters;
- 23 N. State Board of Funeral Service;
- 24 O. State Board of Certification for Geologists and Soil Scientists;
- 25 Q. Board of Licensure for Professional Land Surveyors;
- 26 R. Manufactured Housing Board;
- 27 S. Nursing Home Administrators Licensing Board;
- 28 T. Board of Occupational Therapy Practice;
- 29 V. Maine Board of Pharmacy;
- 30 W. Board of Examiners in Physical Therapy;
- 31 Y. Plumbers' Examining Board;
- 32 Z. Board of Licensure of Podiatric Medicine;

- 1 AA. State Board of Examiners of Psychologists;
- 2 BB. Radiologic Technology Board of Examiners;
- 3 CC. Board of Real Estate Appraisers;
- 4 DD. Board of Respiratory Care Practitioners;
- 5 EE. State Board of Social Worker Licensure;
- 6 GG. State Board of Alcohol and Drug Counselors;
- 7 HH. State Board of Veterinary Medicine;
- 8 JJ. Real Estate Commission;
- 9 ~~KK. Board of Boilers and Pressure Vessels;~~
- 10 ~~LL. Board of Elevator and Tramway Safety;~~
- 11 MM. Board of Speech, Audiology and Hearing; and
- 12 NN. Maine Fuel Board.

13 The Office of Professional and Occupational Regulation also administers the following
 14 regulatory functions: licensure of athletic trainers; licensure of massage therapists;
 15 licensure of interpreters for the deaf and hard-of-hearing; licensure of persons pursuant to
 16 the Charitable Solicitations Act; licensure of transient sellers, including door-to-door
 17 home repair transient sellers; ~~and~~ licensure of persons pursuant to the Barbering and
 18 Cosmetology Licensure Act; licensure of persons pursuant to the laws governing boiler
 19 and pressure vessel safety and elevator and tramway safety; and inspection and
 20 certification requirements for boilers, pressure vessels, elevators and tramways pursuant
 21 to the laws governing boiler and pressure vessel safety and elevator and tramway safety.

22 **Sec. B-2. 10 MRSA §9725, sub-§6**, as enacted by PL 2007, c. 699, §6, is
 23 amended to read:

24 **6. Boiler and pressure vessel standards.** Boiler and pressure vessel standards
 25 adopted pursuant to Title 32, section ~~15104-A~~ 15103-A; and

26 **Sec. B-3. 10 MRSA §9725, sub-§7**, as enacted by PL 2007, c. 699, §6, is
 27 amended to read:

28 **7. Elevator standards.** Elevator standards adopted pursuant to Title 32, section
 29 ~~15206~~ 15205-A.

30 **Sec. B-4. 26 MRSA §569**, as amended by PL 1995, c. 560, Pt. H, §10 and affected
 31 by §17 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

32 **§569. Rules**

33 The rules formulated under this chapter may supplement, but do not supersede, the
 34 rules adopted by the former Board of Boiler Rules ~~and~~, the former Board of Elevator and
 35 Tramway Safety or the Director of the Office of Professional and Occupational
 36 Regulation within the Department of Professional and Financial Regulation, whose

1 ~~rulemaking~~ rule-making authority is clearly set forth in Title 32, ~~chapters 131 and 133,~~
2 ~~respectively~~ section 15103-A, and the rules adopted by the Department of Health and
3 Human Services under the laws administered by that department. All rules must be
4 adopted pursuant to the Maine Administrative Procedure Act.

5 **PART C**

6 **Sec. C-1. 32 MRSA §15101, sub-§1**, as enacted by PL 1995, c. 560, Pt. H, §14
7 and affected by §17, is repealed.

8 **Sec. C-2. 32 MRSA §15101, sub-§2**, as amended by PL 1999, c. 386, Pt. W, §3,
9 is further amended to read:

10 **2. Authorized inspector.** "Authorized inspector" means a person holding a license
11 to inspect boilers and pressure vessels within this State issued under section ~~15108-A~~ or a
12 ~~person, employed by a company licensed to insure boilers and pressure vessels in this~~
13 ~~State, holding a certificate to inspect boilers and pressure vessels within this State issued~~
14 ~~under section 15120.~~

15 **Sec. C-3. 32 MRSA §15101, sub-§3**, as amended by PL 1999, c. 386, Pt. W, §3,
16 is repealed.

17 **Sec. C-4. 32 MRSA §15101, sub-§8**, as enacted by PL 1995, c. 560, Pt. H, §14
18 and affected by §17, is amended to read:

19 **8. Deputy inspector.** "Deputy inspector" means a person, employed by the State
20 and supervised by the chief inspector, authorized to inspect boilers and pressure vessels
21 within this State.

22 **Sec. C-5. 32 MRSA §15101, sub-§8-A** is enacted to read:

23 **8-A. Director.** "Director" means the Director of the Office of Professional and
24 Occupational Regulation within the department.

25 **Sec. C-6. 32 MRSA §15101-A** is enacted to read:

26 **§15101-A. Declaration of policy**

27 It is the policy of the State to protect its citizens from unnecessary mechanical
28 hazards in the operation of boilers and pressure vessels and to ensure that reasonable
29 design and construction are used, that accepted safety devices and sufficient personnel are
30 provided and that periodic maintenance, inspections and adjustments considered essential
31 for the safe operation of boilers and pressure vessels are made. The responsibility for
32 design, construction, maintenance and inspection rests with the firm, person, partnership,
33 association, corporation or company that owns boilers and pressure vessels.

34 **Sec. C-7. 32 MRSA §15102, sub-§1, ¶E**, as enacted by PL 1995, c. 560, Pt. H,
35 §14 and affected by §17, is amended to read:

1 E. Steam heating boilers, hot water heating boilers and hot water supply boilers,
2 except boilers located in schoolhouses or boilers owned by municipalities,
3 constructed and installed in accordance with the rules adopted by the ~~board~~ director;
4 or

5 **Sec. C-8. 32 MRSA §15102, sub-§1, ¶F**, as enacted by PL 1995, c. 560, Pt. H,
6 §14 and affected by §17, is amended to read:

7 F. Miniature boilers exempt ~~by~~ pursuant to section 45118 15103-A.

8 **Sec. C-9. 32 MRSA §15103**, as amended by PL 2007, c. 402, Pt. MM, §1, is
9 repealed.

10 **Sec. C-10. 32 MRSA §15103-A** is enacted to read:

11 **§15103-A. Director's powers and duties**

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

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

19 A. Requirements for the safe and proper construction, installation, repair, use and
20 operation of boilers and pressure vessels in this State. The rules must conform as
21 nearly as practicable to the code;

22 B. Requirements for licensure of boiler operators, stationary steam engineers and
23 authorized inspectors;

24 C. Qualifications of welders performing welding on boilers and pressure vessels;

25 D. Requirements for the method and frequency of boiler and pressure vessel
26 inspections;

27 E. Requirements for the nature and size of miniature boilers or pressure vessels to be
28 inspected; and

29 F. Criteria by which a temporary extension of an inspection certificate beyond 14
30 months in the case of boilers and beyond 38 months in the case of pressure vessels
31 may be authorized.

32 **Sec. C-11. 32 MRSA §15104-A**, as amended by PL 2007, c. 402, Pt. MM, §2, is
33 repealed.

34 **Sec. C-12. 32 MRSA §15104-B**, as amended by PL 2007, c. 695, Pt. B, §20 and
35 PL 2011, c. 286, Pt. B, §5, is further amended to read:

1 **§15104-B. Appeals; variances**

2 A person aggrieved by an order or act of the chief inspector or a deputy inspector
3 under this chapter may, within 15 days after notice of the order or act, appeal from the
4 order or act to the ~~board~~ director, ~~which~~ who shall hold a hearing pursuant to Title 5,
5 chapter 375, subchapter ~~IV~~ 4. After the hearing, the ~~board~~ director shall issue an
6 appropriate order either approving or disapproving the order or act.

7 A person who is or will be aggrieved by the application of any law, code or rule
8 relating to the installation or alteration of boilers and pressure vessels may file a petition
9 for a variance, whether compliance with that provision is required at the time of filing or
10 at the time that provision becomes effective. The filing fee for a petition for a variance
11 must be set by the ~~Director of the Office of Professional and Occupational Regulation~~
12 director under section 15104-C. The chief inspector may grant a variance if, owing to
13 conditions especially affecting the particular boiler or pressure vessel involved, the
14 enforcement of any law, code or rule relating to boilers or pressure vessels would do
15 manifest injustice or cause substantial hardship, financial or otherwise, to the petitioner or
16 would be unreasonable under the circumstances as long as desirable relief may be granted
17 without substantial detriment to the public good and without nullifying or substantially
18 derogating from the intent or purpose of that law, code or rule. In granting a variance
19 under this section, the chief inspector may impose limitations both of time and of use, and
20 a continuation of the use permitted may be conditioned upon compliance with rules made
21 and amended from time to time. A copy of the decision must be sent to all interested
22 parties.

23 **Sec. C-13. 32 MRSA §15104-C**, as enacted by PL 2007, c. 402, Pt. MM, §3 and
24 amended by PL 2011, c. 286, Pt. B, §5, is further amended to read:

25 **§15104-C. Fees**

26 The ~~Director of the Office of Professional and Occupational Regulation within the~~
27 ~~department~~ director may establish by rule fees for purposes authorized under this chapter
28 in amounts that are reasonable and necessary for their respective purposes, except that the
29 fee for any accreditation review, facility review or inspection of any one boiler or
30 pressure vessel may not exceed \$500, the fee for any shop inspection may not exceed
31 \$3,000, the fee for an inspection certificate for any one boiler or pressure vessel may not
32 exceed \$100, the fee for a late inspection or a late certificate may not exceed \$250 and the
33 fee for any other purpose may not exceed \$150 ~~triennially~~. Rules adopted pursuant to this
34 section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

35 **Sec. C-14. 32 MRSA §15105**, as amended by PL 2007, c. 402, Pt. MM, §4, is
36 further amended to read:

37 **§15105. Installation of new boilers and pressure vessels**

38 A new boiler or pressure vessel that does not conform to the rules adopted by the
39 ~~board~~ director governing new installations may not be installed in this State.

1 Unless otherwise exempt, all new boilers and pressure vessels to be installed must be
2 inspected during construction by an inspector authorized to inspect boilers in this State,
3 or, if constructed outside the State, by an inspector holding a license from this State or an
4 inspector who holds a certificate of inspection issued by the National Board of Boiler and
5 Pressure Vessel Inspectors, or its successor or other organization approved by the ~~board~~
6 director.

7 **Sec. C-15. 32 MRSA §15108-A**, as amended by PL 2007, c. 695, Pt. B, §21, is
8 repealed.

9 **Sec. C-16. 32 MRSA §15108-C, first ¶**, as enacted by PL 2007, c. 402, Pt. MM,
10 §6, is amended to read:

11 In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A,
12 paragraph A, the ~~board~~ director may deny a license, refuse to renew a license or impose
13 the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for:

14 **Sec. C-17. 32 MRSA §15109, sub-§2-A**, as amended by PL 2007, c. 402, Pt.
15 MM, §7, is further amended to read:

16 **2-A. Licenses.** In order to safeguard life, health and property, the ~~board~~ director
17 shall provide for the mandatory licensing of stationary steam engineers and boiler
18 operators. This subsection does not apply to:

19 A. Persons operating boilers exempt under section 15102;

20 B. Persons employed by entities under the jurisdiction of the Public Utilities
21 Commission or the United States Nuclear Regulatory Commission, or its successor or
22 other organization approved by the ~~board~~ director; or

23 C. Persons operating steam heating boilers, hot water heating boilers and hot water
24 supply boilers located in schoolhouses or owned by municipalities.

25 **Sec. C-18. 32 MRSA §15109, sub-§3**, as amended by PL 2007, c. 402, Pt. MM,
26 §8, is further amended to read:

27 **3. Issuance of license.** The ~~board~~ director shall issue a license to an applicant in the
28 grade requested, upon payment of the application fee and license fee as set under section
29 15104-C, if the applicant has satisfactorily met the examination and other requirements of
30 this section.

31 ~~A. A license is valid for 3 years from the date of issuance. A license must designate~~
32 ~~the name of the holder, the license number, the grade of license, the issuing date and~~
33 ~~the expiration date. Any license issued under this chapter is automatically renewable~~
34 ~~upon payment of the renewal fee as set under section 15104-C. The expiration dates~~
35 ~~for licenses issued under this chapter may be established at such other times as the~~
36 ~~commissioner may designate. A license expires on the date set by the commissioner~~
37 ~~pursuant to Title 10, section 8003, subsection 4 for the licensing period for which the~~
38 ~~license is issued. A license may be renewed upon receipt of the application for~~
39 ~~renewal and payment of the renewal fee as set in section 15104-C.~~

1 A license may be renewed up to 90 days after the date of its expiration upon payment
2 of a late fee in addition to the renewal fee as set under section 15104-C. Any person
3 who submits an application for renewal more than 90 days after the license expiration
4 date shall pay an additional late fee as set under section 15104-C and is subject to all
5 requirements governing new applicants under this chapter, except that the ~~board may~~
6 ~~in its discretion,~~ director, after giving due consideration to the protection of the
7 public, may waive examination or other requirements. Notwithstanding any other
8 provision of this chapter, the ~~board~~ director shall waive examination if a renewal
9 application is made within 90 days after separation from the United States Armed
10 Forces, under conditions other than dishonorable, by a person who has failed to
11 renew that person's license because that person was on active duty in the Armed
12 Forces; except that the waiver of examination may not be granted if the person served
13 more than 4 years in the Armed Forces, except if that person is required by some
14 mandatory provision to serve a longer period and that person submits satisfactory
15 evidence of this mandatory provision to the ~~board~~ director.

16 B. The license certificate must be displayed in plain view in the plant where the
17 licensee is employed.

18 C. The ~~board~~ director shall determine the eligibility for licensure of any applicant
19 who holds a current stationary steam engineering license issued by the proper
20 authority of any state, territory or possession of the United States, the District of
21 Columbia or Canada that has requirements equal to those of this State and recognizes
22 the license issued by this State without further examination. The ~~board~~ director shall
23 certify as eligible for a license any applicant who holds a current Canadian marine or
24 United States Coast Guard marine engineer's license and who has worked as a boiler
25 engineer or operator 3 of the last 5 years prior to application. The applicant bears the
26 burden of proving those matters necessary for a license based on reciprocity.

27 **Sec. C-19. 32 MRSA §15109, sub-§6-A,** as amended by PL 2007, c. 402, Pt.
28 MM, §11, is further amended to read:

29 **6-A. Examinations.** Applicants for licensure shall present to the ~~board~~ director a
30 written application for examination accompanied by ~~an application fee and examination~~
31 ~~the required~~ fee as set under section 15104-C. Examinations must be in whole or in part
32 in writing and of a thorough and practical character commensurate with the
33 responsibilities of the prospective license holder.

34 ~~The board shall establish by rule cutoff dates for applications for examination.~~

35 ~~The passing grade on any examination may not be less than 70%. A candidate failing one~~
36 ~~examination may apply for reexamination, which may be granted upon payment of the~~
37 ~~fee established under section 15104-C.~~

38 **Sec. C-20. 32 MRSA §15109, sub-§7, ¶B,** as amended by PL 2007, c. 402, Pt.
39 MM, §12, is further amended to read:

40 B. The holder of a boiler operator's license may operate, supervise or have charge of
41 a heating plant having a capacity of not more than 20,000 #/HR or operate or
42 supervise a plant up to the capacity of the license of the engineer in charge of the
43 plant in which the licensee is employed. The applicant for a boiler operator's license

1 must have 6 months' operating experience prior to examination under a boiler
2 operator's training permit. The ~~board~~ director shall issue a permit for the purpose of
3 gaining that experience upon receipt of ~~an application fee and permit~~ the required fee
4 as set under section 15104-C. Such a permit must be limited to a specified plant and
5 must be limited to one year. The ~~board~~ director may extend the permit for a period
6 not to exceed one year under unusual circumstances. The ~~board~~ director may allow
7 the owner of a small plant to sit for the boiler operator's examination without first
8 obtaining a boiler operator's training permit.

9 **Sec. C-21. 32 MRSA §15109, sub-§7, ¶¶G,** as amended by PL 2001, c. 323, §38,
10 is further amended to read:

11 G. One year of schooling in the field of boiler operation in a school approved by the
12 ~~board~~ director is equivalent to 6 months of operating experience. The ~~board~~ director
13 may conduct an accreditation review of the technical school. The technical school
14 shall pay a fee for the accreditation review.

15 **Sec. C-22. 32 MRSA §15109, sub-§7, ¶¶H and I,** as amended by PL 1999, c.
16 386, Pt. W, §18, are further amended to read:

17 H. In the event of a lack of qualified personnel in the plant in which the applicant is
18 employed, the ~~board~~ director may waive the operating experience requirements of the
19 applicant for examination for the next higher grade of license. Any such license
20 issued must be limited to that plant.

21 I. Notwithstanding the provisions of this subsection, the ~~board~~ director may permit
22 an applicant to take the examination for a license if, in the ~~board's~~ director's opinion,
23 the experience or educational qualifications, or both, of the applicant are equivalent
24 to the operating experience required by this subsection.

25 **Sec. C-23. 32 MRSA §15109, sub-§8,** as amended by PL 2007, c. 402, Pt. MM,
26 §13, is repealed.

27 **Sec. C-24. 32 MRSA §15110,** as amended by PL 2001, c. 323, §§40 and 41, is
28 further amended to read:

29 **§15110. Welding on boilers and pressure vessels; certificates for welders**

30 A welder may not make welded repairs to any boiler or pressure vessel covered by
31 this chapter, without first receiving authorization from the chief inspector or the
32 authorized inspector employed by the insurance company responsible for the inspection
33 of the boiler or pressure vessel. The authorization may be in the form of a general
34 agreement between the chief inspector or the appropriate authorized inspector and the
35 owner or the owner's representative.

36 ~~The board may adopt rules, pursuant to the Maine Administrative Procedure Act,~~
37 ~~relating to qualifications of welders performing welding for compensation and may~~
38 ~~conduct examinations and issue certificates. A fee may be charged for those~~
39 ~~examinations and certificates.~~

1 The ~~board~~ director may conduct a welding test facility review. The welding test
2 facility shall pay the required fee for the review.

3 **Sec. C-25. 32 MRSA §15111**, as amended by PL 1999, c. 386, Pt. W, §22, is
4 further amended to read:

5 **§15111. Operation of condemned vessels**

6 A boiler or pressure vessel that has been condemned for further use in this or any
7 other state by a ~~licensed boiler~~ an authorized inspector employed by an insurance
8 company or by an inspector authorized to inspect boilers by a state or the Federal
9 Government may not be installed or operated in this State.

10 **Sec. C-26. 32 MRSA §15112, first ¶**, as enacted by PL 1995, c. 560, Pt. H, §14
11 and affected by §17, is amended to read:

12 A boiler or pressure vessel condemned in this State must be stamped "XXX Me.,"
13 and the ~~board~~ chief inspector must immediately be notified of the condemnation.

14 **Sec. C-27. 32 MRSA §15113**, as amended by PL 2001, c. 323, §42, is further
15 amended to read:

16 **§15113. Registration; stamping**

17 A boiler, except one exempt under section 15102, may not be operated in this State
18 unless the boiler is registered in the office of the ~~board~~ director upon blanks to be
19 furnished by the ~~board~~ director upon request. The completed blanks must contain
20 information regarding maker's name, type of construction, date of construction, age,
21 location and when last inspected and other information as may be required.

22 A pressure vessel, except those exempt under section 15102, may not be installed and
23 operated in this State after June 30, 1974, unless it is constructed, inspected and stamped
24 in conformity with Section VIII of the code and is registered with and approved by the
25 ~~board~~ director.

26 The ~~board~~ director may conduct shop inspections. The shop shall pay the required
27 fee for the inspection.

28 A pressure vessel that does not bear the code stamping may be registered with and
29 approved by the ~~board~~ director, if the person desiring to install the vessel makes
30 application to the ~~board~~ director and files a copy of the manufacturer's data report or a
31 copy of the construction details together with material specifications for review and
32 approval prior to installation.

33 After a boiler or pressure vessel has been registered with the ~~board~~ director, the ~~board~~
34 director shall furnish and the owner or user shall stamp or have stamped a number as
35 given, on the shell of the boiler in the space commonly used for such purposes, with
36 letters and figures not less than 3/8 of an inch high.

1 If a boiler or pressure vessel subject to this section is moved from one location to
2 another, notice must be given the ~~board~~ director of the removal and of the new location in
3 which the boiler or pressure vessel is to be set up.

4 **Sec. C-28. 32 MRSA §15115**, as amended by PL 1999, c. 386, Pt. W, §25, is
5 further amended to read:

6 **§15115. Temporary certificate**

7 If an emergency affecting public safety and welfare exists, the ~~board may authorize~~
8 ~~the~~ chief inspector ~~to~~ may issue a temporary inspection certificate for a period not
9 exceeding 6 months after an inspection certificate has expired. A temporary inspection
10 certificate may be issued without an internal inspection being made. If the boiler or
11 pressure vessel is insured, the temporary inspection certificate may not be issued until
12 recommended in writing by the authorized inspector of the company insuring the boiler
13 or pressure vessel and by the chief inspector or one of the deputies; or, if the boiler or
14 pressure vessel is not insured, the temporary inspection certificate must be recommended
15 in writing by at least 2 authorized state inspectors. The provisions as to posting of the
16 inspection certificate apply to the temporary inspection certificate.

17 **Sec. C-29. 32 MRSA §15116**, as amended by PL 1999, c. 687, Pt. E, §15, is
18 further amended to read:

19 **§15116. Insurance**

20 When a boiler or pressure vessel is insured and inspected by a duly accredited
21 insurance company licensed to do business in this State, a copy of the record of each
22 certificate inspection of the boiler or pressure vessel must be filed with the ~~board~~ director.

23 When an insurance company cancels insurance upon any boiler or pressure vessel
24 requiring inspection under section 15117 that is not exempt under section 15102 or the
25 policy expires and is not renewed, notice must immediately be given to the ~~board~~
26 director. An insurance company shall notify the ~~board~~ director immediately upon insuring
27 a boiler or pressure vessel pursuant to this section.

28 **Sec. C-30. 32 MRSA §15117**, as amended by PL 2007, c. 695, Pt. B, §22, is
29 further amended to read:

30 **§15117. Inspection required; certificates issued**

31 Each boiler or pressure vessel used or proposed for use within this State, except
32 boilers or pressure vessels exempt under section 15102, must be thoroughly inspected by
33 the chief inspector, a deputy inspector or an authorized inspector; as to its design,
34 construction, installation, condition and operation. ~~The board shall adopt rules pursuant~~
35 ~~to the Maine Administrative Procedure Act specifying the method and frequency of~~
36 ~~inspection.~~ When any boiler or pressure vessel inspected as specified by the ~~board~~
37 director is found to be suitable and to conform to the rules of the ~~board~~ director, the chief
38 inspector shall issue to the owner or user of that boiler or pressure vessel, upon payment
39 of a fee to the ~~board~~ director, an inspection certificate for each boiler or pressure vessel.

1 The fee under section 15104-C must be set by the director. Inspection certificates must
2 specify the maximum pressure that the boiler or pressure vessel inspected is allowed to
3 carry. The inspection certificate may be valid for not more than 14 months from the date
4 of inspection in the case of boilers and 38 months from the date of inspection in the case
5 of pressure vessels and must be posted under glass in the engine or boiler room
6 containing the boiler or pressure vessel or an engine operated by it or, in the case of a
7 portable boiler, in the office of the plant where it is temporarily located. ~~The board may~~
8 ~~adopt rules setting forth criteria by which a temporary extension of an inspection~~
9 ~~certificate beyond 14 months in the case of boilers and beyond 38 months in the case of~~
10 ~~pressure vessels may be authorized. Rules adopted pursuant to this section are routine~~
11 ~~technical rules pursuant to Title 5, chapter 375, subchapter 2-A.~~

12 In accordance with the provisions of the Maine Administrative Procedure Act, the
13 chief inspector or any deputy inspector may at any time suspend an inspection certificate
14 when, in the inspector's opinion, the boiler or pressure vessel for which it was issued may
15 not continue to be operated without menace to the public safety. ~~A licensed~~ An
16 authorized inspector has corresponding powers with respect to inspection certificates for
17 boilers and pressure vessels insured by the company employing the inspector.

18 **Sec. C-31. 32 MRSA §15118, first ¶**, as amended by PL 2007, c. 402, Pt. MM,
19 §16, is further amended to read:

20 The owner or user of each boiler or pressure vessel required by this chapter to be
21 inspected by the chief inspector or a deputy inspector shall pay ~~to the inspector upon~~ an
22 inspection a fee or fees as set under section 15104-C. Not more than one inspection fee
23 may be collected for the inspection of any one boiler or pressure vessel made in any one
24 year, unless additional inspections are required by the owners or users of the boiler or
25 pressure vessel or unless the boiler or pressure vessel has been inspected and an
26 inspection certificate has been refused, withheld or withdrawn or unless an additional
27 inspection is required because of the change of location of a stationary boiler or pressure
28 vessel. ~~The nature and size of miniature boilers or pressure vessels to be inspected may~~
29 ~~be determined by the board.~~

30 **Sec. C-32. 32 MRSA §15119, sub-§3**, as amended by PL 2001, c. 573, Pt. A, §6,
31 is further amended to read:

32 **3. Enforce laws and rules.** Enforce the laws of the State governing the use of
33 boilers and pressure vessels and enforce the rules of the ~~board~~ director; and

34 **Sec. C-33. 32 MRSA §15119, sub-§5**, as enacted by PL 2001, c. 573, Pt. A, §7,
35 is amended to read:

36 **5. Order uninspected or unrepaired boilers and pressure vessels out of service.**
37 In addition to the chief inspector's powers under section 15117, order that a boiler or
38 pressure vessel be taken out of service if an inspection report is not submitted to the ~~board~~
39 chief inspector as required by section 15121, subsection 1, if the inspection certificate fee
40 is not submitted as required by section 15121, subsection 2 or if the owner fails to make
41 repairs as required by the ~~board~~ chief inspector.

1 **Sec. C-34. 32 MRSA §15120**, as amended by PL 2007, c. 402, Pt. MM, §17, is
2 repealed and the following enacted in its place:

3 **§15120. Authorized inspectors**

4 **1. Issue license.** The director shall, upon the request of an individual who works for
5 a company authorized to insure against loss from explosion of boilers or pressure vessels
6 in this State, issue to the boiler inspector of the company a license to inspect boilers and
7 pressure vessels as an authorized inspector, upon payment of the fee as set under section
8 15104-C, if the boiler inspector has satisfactorily met the examination and other
9 requirements as specified by this section and rule. The boiler inspector must have a
10 current commission issued by the National Board of Boiler and Pressure Vessel
11 Inspectors, or its successor.

12 **2. Not entitled to compensation by State.** Authorized inspectors are not entitled to
13 receive a salary from, nor may any of their expenses be paid by, the State.

14 **3. Conditions.** The continuance of an authorized inspector's license is conditioned
15 upon the authorized inspector continuing in the employ of a boiler inspection and
16 insurance company duly authorized and upon maintenance of the standards imposed by
17 this chapter.

18 **4. Exempt from fees.** Authorized inspectors shall inspect all boilers and pressure
19 vessels insured by their respective companies, and the owners or users of those insured
20 boilers are exempt from the payment of the fees provided for in section 15118.

21 **5. Additional inspections authorized.** Authorized inspectors may, with the
22 permission of the chief inspector, also inspect boilers and pressure vessels for which an
23 application for insurance against loss from explosion of boilers or pressure vessels has
24 been made or when a new boiler or pressure vessel is installed at an insured location and
25 the prospective insured owner or user is exempt from the payment of fees provided for in
26 section 15118.

27 **6. Report to chief inspector.** Each company employing authorized inspectors shall,
28 within 30 days following each certificate inspection made by the inspectors, file a report
29 of the inspection with the chief inspector.

30 **Sec. C-35. 32 MRSA §15121**, as amended by PL 2007, c. 402, Pt. MM, §§18 and
31 19 and PL 2011, c. 286, Pt. B, §5, is further amended to read:

32 **§15121. Duties of owners of boilers and pressure vessels**

33 **1. Responsibility for inspection.** It is the responsibility of the owner to arrange for
34 an inspection of a boiler or pressure vessel and to prepare the boiler or pressure vessel for
35 inspection. The late inspection fee set by the ~~Director of the Office of Professional and~~
36 ~~Occupational Regulation within the department~~ director under section 15104-C may be
37 assessed against the owner if an inspection report is not submitted within 60 days of the
38 expiration of the most recent inspection certificate.

1 **4-C. Director.** "Director" means the Director of the Office of Professional and
2 Occupational Regulation within the department.

3 **Sec. D-4. 32 MRSA §15202, sub-§7-B,** as enacted by PL 2001, c. 573, Pt. B, §4
4 and affected by §36, is amended to read:

5 **7-B. Licensed private elevator inspector.** "Licensed private elevator inspector" or
6 "licensed private elevator and lift inspector" means an individual who has been licensed
7 by the ~~board~~ director to inspect elevators pursuant to this chapter and who is not a state
8 employee whose duty is to inspect elevators.

9 **Sec. D-5. 32 MRSA §15202, sub-§8,** as amended by PL 2001, c. 573, Pt. B, §5
10 and affected by §36, is further amended to read:

11 **8. Licensed private tramway inspector.** "Licensed private tramway inspector"
12 means an individual who has been licensed by the ~~Board of Elevator and Tramway Safety~~
13 director to inspect tramways pursuant to this chapter and who is not a state employee
14 whose duty is to inspect tramways.

15 **Sec. D-6. 32 MRSA §15203, first ¶,** as amended by PL 2001, c. 573, Pt. B, §9
16 and affected by §36, is further amended to read:

17 This chapter may not be construed to prevent the use or sale of elevators in this State
18 that were being used or installed prior to January 1, 1950 and that have been made to
19 conform to the rules of the ~~board~~ director covering existing installations and must be
20 inspected as provided for in this chapter.

21 **Sec. D-7. 32 MRSA §15204, first ¶,** as amended by PL 2001, c. 573, Pt. B, §10
22 and affected by §36, is further amended to read:

23 A person aggrieved by an order or act of the chief inspector or a deputy inspector
24 under this chapter may, within 15 days after notice of the order or act, appeal from the
25 order or act to the ~~board~~ director, ~~which~~ who shall hold a hearing pursuant to Title 5,
26 chapter 375, subchapter ~~IV~~ 4. After the hearing, the ~~board~~ director shall issue an
27 appropriate order either approving or disapproving the order or act.

28 **Sec. D-8. 32 MRSA §15205,** as amended by PL 2007, c. 402, Pt. NN, §1, is
29 repealed.

30 **Sec. D-9. 32 MRSA §15205-A** is enacted to read:

31 **§15205-A. Director's powers and duties**

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

35 **2. Rule-making authority.** The director shall establish guidelines and adopt rules
36 necessary for the proper administration and enforcement of this chapter. Rules adopted

1 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,
2 subchapter 2-A. The rules must address, but are not limited to:

3 A. Requirements for the safe and proper construction, installation, alteration, repair,
4 use, operation and inspection of elevators and tramways in this State. The rules must
5 include standards for the review and audit of inspections performed by licensed
6 private elevator inspectors not employed by the State. The rules must conform as
7 nearly as practicable to the established standards as approved by the American
8 National Standards Institute or its successor or other organization approved by the
9 director;

10 B. Requirements for licensure and renewal of private elevator and lift inspectors,
11 including requirements for examination and continuing education; and

12 C. Requirements for licensure and renewal of elevator and lift mechanics, including
13 requirements for examination and continuing education.

14 **Sec. D-10. 32 MRSA §15206**, as amended by PL 2007, c. 402, Pt. NN, §2, is
15 repealed.

16 **Sec. D-11. 32 MRSA §15206-A**, as repealed and replaced by PL 2007, c. 402, Pt.
17 NN, §3, is amended to read:

18 **§15206-A. Denial or refusal to renew license; disciplinary action**

19 The ~~board~~ director may deny a license, refuse to renew a license or impose the
20 disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for any of the
21 reasons enumerated in Title 10, section 8003, subsection 5-A, paragraph A.

22 **Sec. D-12. 32 MRSA §15208, first ¶**, as repealed and replaced by PL 2001, c.
23 573, Pt. B, §13 and affected by §36, is amended to read:

24 The ~~board~~ director shall set standards necessary for the licensure and renewal of
25 private elevator and lift inspectors. ~~The board may adopt rules relating to the~~
26 ~~qualifications for licensure and renewal of private elevator and lift inspectors, including~~
27 ~~requirements for examination and continuing education. Rules adopted pursuant to this~~
28 ~~section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. The~~
29 ~~fee for applications, examinations, licenses and renewals must be established by the~~
30 ~~director pursuant to section 15225-A and Title 10, section 8003, subsection 2-A,~~
31 ~~paragraph D. Licenses are issued for a period of one year.~~

32 **Sec. D-13. 32 MRSA §15208-A**, as enacted by PL 2001, c. 573, Pt. B, §14 and
33 affected by §36, is amended to read:

34 **§15208-A. Registration of elevator contractors**

35 Any person, firm, partnership, association, corporation or company engaged in the
36 installation, sale, service, maintenance or inspection of elevators in this State shall
37 register with the ~~board annually~~ director. The registration must be submitted on a form
38 provided by the ~~board~~ director and must include the names and addresses of all licensed
39 private inspectors, licensed mechanics and all helpers employed by the elevator

1 contractor. An elevator contractor shall notify the ~~board~~ director of any change in the
2 information required under this section within 30 days of the change. The required fee
3 for registration must be set by the director under section 15225-A.

4 **Sec. D-14. 32 MRSA §15209, first ¶**, as amended by PL 2001, c. 573, Pt. B, §15
5 and affected by §36, is further amended to read:

6 The ~~board~~ director shall license an applicant as a private tramway inspector, who may
7 perform the inspections required on tramways, if that applicant:

8 **Sec. D-15. 32 MRSA §15209, sub-§1**, as amended by PL 2001, c. 573, Pt. B,
9 §15 and affected by §36, is further amended to read:

10 **1. Registration.** Is a professional engineer with a current valid registration in some
11 state. If an applicant for a private tramway inspector's license demonstrates to the ~~board~~
12 director that the applicant possesses more than 6 years' experience in the construction,
13 design, inspection and operation of tramways, this registration requirement may be
14 waived by the ~~board~~ director;

15 **Sec. D-16. 32 MRSA §15209, sub-§5**, as amended by PL 2001, c. 573, Pt. B,
16 §15 and affected by §36, is further amended to read:

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

22 A. ~~The examination for a licensed private tramway inspector must be given by the~~
23 ~~chief inspector or by 2 or more examiners appointed by the chief inspector. The~~
24 ~~examination must be written, in whole or in part, and must be confined to questions~~
25 ~~the answers to which will aid in determining the fitness and competency of the~~
26 ~~applicant for the intended service and must be of uniform standard throughout the~~
27 ~~State.~~

28 C. A private tramway inspector's license is issued for a period of one year. The
29 license fee must be set by the director under section 15225-A.

30 D. Applications for examination and license must be on forms furnished by the ~~board~~
31 director. The examination fee for a private tramway inspector's license must be set
32 by the director under section 15225-A.

33 **Sec. D-17. 32 MRSA §15209-A**, as amended by PL 2001, c. 573, Pt. B, §16 and
34 affected by §36, is further amended to read:

35 **§15209-A. Private wire rope inspectors; licenses**

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

1 rules adopted by the director. A private wire rope inspector's license is issued for a
2 period of one year. The license fee must be set by the director under section 15225-A.

3 **Sec. D-18. 32 MRSA §15210**, as amended by PL 2007, c. 402, Pt. NN, §4, is
4 further amended to read:

5 **§15210. Revocation of private tramway or elevator inspector's license**

6 The ~~board~~ director may revoke a private tramway, elevator or lift ~~inspection~~
7 ~~inspector's license or remove inspection endorsements from an elevator or lift mechanic's~~
8 ~~license~~ for the following causes:

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

12 **2. Physical infirmities.** For physical infirmities that develop to a point at which it
13 appears that an inspector ~~or mechanic~~ is no longer able to perform the required duties in a
14 thorough and safe manner; ~~or~~.

15 **Sec. D-19. 32 MRSA §15211, sub-§1**, as enacted by PL 2001, c. 573, Pt. B, §18
16 and affected by §36, is amended to read:

17 **1. Reporting accidents.** Each elevator or tramway accident that is caused by
18 equipment failure or results in significant injury to a person or results in substantial
19 damage to equipment must be reported by the owner or lessee to the chief inspector in
20 accordance with the ~~board's~~ director's rules.

21 **Sec. D-20. 32 MRSA §15213, first ¶**, as amended by PL 2001, c. 573, Pt. B, §20
22 and affected by §36, is further amended to read:

23 A person may not service, repair, alter or install any elevator unless that person is
24 licensed as an elevator or lift mechanic under this chapter. Elevator work in industrial
25 plants and manufacturing plants may be performed by plant personnel who are not
26 licensed under this chapter if the work is supervised by the plant engineer and performed
27 in compliance with rules adopted by the ~~board~~ director.

28 **Sec. D-21. 32 MRSA §15214**, as amended by PL 2001, c. 573, Pt. B, §21 and
29 affected by §36, is further amended to read:

30 **§15214. Issuance; qualifications**

31 The ~~board~~ director shall issue an elevator or lift mechanic's license to any applicant
32 who has at least 2 years' experience in the service, repair, alteration or installation of
33 elevators and lifts while employed by an elevator company, or has equivalent experience
34 as defined by rules of the ~~board~~ director, and meets the requirements established pursuant
35 to section 15216.

36 A licensed elevator or lift mechanic may not have more than 2 helpers under direct
37 supervision. These helpers need not be licensed.

1 A licensed elevator or lift mechanic shall comply with the provisions of this chapter
2 and the rules adopted by the board director. ~~Rules adopted pursuant to this section are~~
3 ~~routine technical rules as defined in Title 5, chapter 375, subchapter II-A.~~

4 **Sec. D-22. 32 MRSA §15216**, as repealed and replaced by PL 2001, c. 573, Pt. B,
5 §23 and affected by §36, is amended to read:

6 **§15216. Examination of elevator or lift mechanics; applications; licenses; renewals**

7 The board director shall set standards necessary for the licensure and renewal of
8 elevator or lift mechanics. ~~The board may adopt rules relating to the qualifications for~~
9 ~~licensure and renewal of elevator or lift mechanics, including requirements for~~
10 ~~examination and continuing education. Rules adopted pursuant to this section are routine~~
11 ~~technical rules as defined in Title 5, chapter 375, subchapter II-A.~~ The fee for
12 applications, examinations, licenses and renewals must be established by the director
13 pursuant to section 15225-A and Title 10, section 8003, subsection 2-A, paragraph D.
14 Licenses are issued for a period of one year.

15 **Sec. D-23. 32 MRSA §15216-C, 2nd ¶**, as amended by PL 2007, c. 402, Pt. NN,
16 §5, is further amended to read:

17 A license may be renewed up to 90 days after the date of its expiration upon payment
18 of a late fee in addition to the renewal fee as set under section 15225-A. Any person who
19 submits an application for renewal more than 90 days after the license expiration date
20 must pay an additional late fee as set under section 15225-A and is subject to all
21 requirements governing new applicants under this chapter, except that the ~~board may in~~
22 ~~its discretion~~ director, after giving due consideration to the protection of the public, may
23 waive the examination and other requirements. Notwithstanding any other provision of
24 this chapter, the board director shall waive the examination if a renewal application is
25 made within 90 days after separation from the United States Armed Forces, under
26 conditions other than dishonorable, by a person who failed to renew that person's license
27 because that person was on active duty in the Armed Forces; except that the waiver of
28 examination may not be granted if the person served a period of more than 4 years in the
29 Armed Forces, unless that person is required by some mandatory provision to serve a
30 longer period and that person submits satisfactory evidence of this mandatory provision
31 to the board director.

32 **Sec. D-24. 32 MRSA §15219**, as enacted by PL 1995, c. 560, Pt. H, §14 and
33 affected by §17, is repealed.

34 **Sec. D-25. 32 MRSA §15221, sub-§1**, as amended by PL 2001, c. 573, Pt. B,
35 §26 and affected by §36, is further amended to read:

36 **1. Fees; inspection certificate.** Each elevator or tramway proposed to be used
37 within this State must be thoroughly inspected by either the chief inspector, a deputy
38 inspector or a licensed private elevator or tramway inspector and, if found to conform to
39 the rules of the board director, the board director shall issue to the owner an inspection
40 certificate. Fees for inspection and certification of elevators and tramways must be set by
41 the director under section 15225-A and must be paid by the owner of the elevator or

1 tramway. The certificate must specify the maximum load to which the elevator or
2 tramway may be subjected, the date of its issuance and the date of its expiration. The
3 elevator certificate must be posted in the elevator and the tramway certificate at a
4 conspicuous place in the machine area.

5 **Sec. D-26. 32 MRSA §15221, sub-§3**, as amended by PL 2001, c. 573, Pt. B,
6 §26 and affected by §36, is further amended to read:

7 **3. Temporary suspension of inspection certificate; condemnation card.** When,
8 in the inspector's opinion, the elevator or tramway can not continue to be operated
9 without menace to the public safety, the chief inspector or deputy inspector may
10 temporarily suspend an inspection certificate in accordance with Title 5, section 10004
11 and post or direct the posting of a red card of condemnation at every entrance to the
12 elevator or tramway. The condemnation card is a warning to the public and must be of
13 such type and dimensions as the ~~board~~ director determines. The suspension continues,
14 pending decision on any application with the District Court for a further suspension. The
15 condemnation card may be removed only by the inspector posting it or by the chief
16 inspector.

17 **Sec. D-27. 32 MRSA §15221, sub-§4**, as amended by PL 1999, c. 386, Pt. X,
18 §18, is further amended to read:

19 **4. Special certificate; special conditions.** When, upon inspection, an elevator or
20 tramway is found by the inspector to be in reasonably safe condition but not in full
21 compliance with the rules of the ~~board~~ director, the inspector shall certify to the chief
22 inspector the inspector's findings and the chief inspector may issue a special certificate, to
23 be posted as required in this section. This certificate must set forth any special conditions
24 under which the elevator or tramway may be operated.

25 **Sec. D-28. 32 MRSA §15221, sub-§5**, as amended by PL 2001, c. 573, Pt. B,
26 §26 and affected by §36, is further amended to read:

27 **5. Inspection reports.** Licensed private tramway and elevator inspectors shall
28 submit inspection reports to the owner on a form provided by the ~~board~~ director within 15
29 working days from the date of the inspection.

30 **Sec. D-29. 32 MRSA §15225-A, first ¶**, as repealed and replaced by PL 2007, c.
31 402, Pt. NN, §6 and amended by PL 2011, c. 286, Pt. B, §5, is further amended to read:

32 ~~The Director of the Office of Professional and Occupational Regulation within the~~
33 ~~Department of Professional and Financial Regulation~~ director may establish by rule fees
34 for purposes authorized under this chapter in amounts that are reasonable and necessary
35 for their respective purposes, except that the fee for any one purpose other than permit
36 and inspection fees may not exceed \$500. Rules adopted pursuant to this section are
37 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

38 **Sec. D-30. 32 MRSA §15226**, as amended by PL 2001, c. 573, Pt. B, §31 and
39 affected by §36, is further amended to read:

1 **§15226. Reports by inspectors**

2 A deputy inspector or licensed private inspector shall make a full report to the chief
3 inspector, giving all data required by the rules adopted by the ~~board~~ director and shall
4 report to the chief inspector and to the owner all defects found and all noncompliances
5 with the rules. When any serious infraction of the rules is found by a deputy inspector or
6 licensed private inspector and that infraction is, in the opinion of the inspector, dangerous
7 to life, limb or property, the inspector shall report that infraction immediately to the chief
8 inspector.

9 **Sec. D-31. 32 MRSA §15227, first ¶**, as enacted by PL 1995, c. 560, Pt. H, §14
10 and affected by §17, is amended to read:

11 The ~~board~~ director is authorized to investigate all elevator and tramway accidents that
12 result in injury to a person or in damage to the installation.

13 **Sec. D-32. 32 MRSA §15227, sub-§1**, as enacted by PL 1995, c. 560, Pt. H, §14
14 and affected by §17, is amended to read:

15 **1. Enforce laws and rules.** To enforce the laws of the State governing the use of
16 elevators and tramways and to enforce adopted rules of the ~~board~~ director;

17 **Sec. D-33. 32 MRSA §15227, sub-§4**, as amended by PL 2001, c. 573, Pt. B,
18 §33 and affected by §36, is further amended to read:

19 **4. Certificates.** To issue and temporarily suspend certificates allowing elevators and
20 tramways to be operated pursuant to Title 5, chapter 375; and

21 **Sec. D-34. 32 MRSA §15227, sub-§5**, as amended by PL 2001, c. 573, Pt. B,
22 §33 and affected by §36, is repealed.

23 **Sec. D-35. 32 MRSA §15227, sub-§6**, as enacted by PL 2001, c. 573, Pt. B, §34
24 and affected by §36, is amended to read:

25 **6. Take uninspected or unrepaired elevators and tramways out of service.** To
26 take an elevator or tramway out of service in accordance with Title 5, section 10004 if an
27 inspection report has not been submitted to the ~~board~~ director within 60 days of the
28 expiration of the most recent certificate or if the owner has failed to make repairs as
29 required by the ~~board~~ director. This power is in addition to the chief inspector's powers
30 under section 15221, subsection 3.

31 **Sec. D-36. 32 MRSA §15228, sub-§1**, as enacted by PL 2001, c. 178, §1, is
32 amended to read:

33 **1. Requirements.** Notwithstanding section ~~15206~~ 15205-A, whenever a passenger
34 elevator is installed in a building being newly constructed or in a new addition that
35 extends beyond the exterior walls of an existing building, the passenger elevator must
36 reach all levels within the building and be of sufficient size to allow the transport of a
37 person on an ambulance stretcher in the fully supine position, without having to raise,
38 lower or bend the stretcher in any way. This requirement applies to all plans approved by

1 ~~the board~~ after January 1, 2002. The ~~board~~ director shall adopt rules necessary to carry
2 out the provisions of this section. Rules adopted pursuant to this section are routine
3 technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

4 **Sec. D-37. 32 MRSA §15229**, as enacted by PL 2001, c. 573, Pt. B, §35 and
5 affected by §36, is amended to read:

6 **§15229. Duties of owners of elevators or tramways**

7 **1. Owner responsibility.** The responsibility for design, construction, maintenance
8 and inspection of an elevator or tramway rests with the person, firm, partnership,
9 association, corporation or company that owns the elevator or tramway.

10 **2. Obtain inspection certificate.** The owner of an elevator or tramway shall submit
11 an annual application for an annual inspection certificate together with the inspection
12 report within 30 business days of the inspection and prior to the expiration of the current
13 certificate. The application must be on a form provided by the ~~board~~ director and must be
14 accompanied by the required fee set by the director under section 15225-A. A late fee set
15 by the director under section 15225-A may be assessed for failure to submit the
16 application and inspection report in a timely manner.

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

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

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

28 **6. Removal.** The owner of an elevator or tramway shall notify the ~~board~~ director
29 within 30 days of the removal of the elevator or tramway.

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

36 **8. Failure to comply.** In addition to the remedies available under this chapter, an
37 owner who fails to comply with the provisions of this chapter or rules adopted by the
38 ~~board~~ director is subject to the provisions of Title 10, section 8003, subsection 5 whether
39 or not the elevator or tramway has a current inspection certificate, except that,

1 notwithstanding Title 10, section 8003, subsection 5, paragraph A-1, subparagraph 3, a
2 civil penalty of up to \$3,000 may be imposed for each violation.

3 **Sec. D-38. Maine Revised Statutes headnote amended; revision clause.** In
4 the Maine Revised Statutes, Title 32, chapter 133, in the chapter headnote, the words
5 "board of elevator and tramway safety" are amended to read "elevator and tramway
6 safety" and the Revisor of Statutes shall implement this revision when updating,
7 publishing or republishing the statutes.

8 **PART E**

9 **Sec. E-1. Transition provisions.** The following provisions govern the
10 elimination of the Board of Boilers and Pressure Vessels and Board of Elevator and
11 Tramway Safety and the transfer of their authority to enforce the Maine Revised Statutes,
12 Title 32, chapters 131 and 133, respectively, to the Department of Professional and
13 Financial Regulation.

14 **1. Successor.** The Director of the Office of Professional and Occupational
15 Regulation within the Department of Professional and Financial Regulation is the
16 successor in every way to the powers, duties and functions of the Board of Boilers and
17 Pressure Vessels and Board of Elevator and Tramway Safety.

18 **2. Rules.** The rules of the Board of Boilers and Pressure Vessels and Board of
19 Elevator and Tramway Safety that were in effect on the effective date of this Act are
20 deemed to be rules adopted by the director and remain in effect until amended or repealed
21 by the director.

22 **3. Licenses.** All licenses issued by the Board of Boilers and Pressure Vessels and
23 Board of Elevator and Tramway Safety remain valid and are subject to license renewal
24 requirements.

25 **4. Board membership.** The terms of members of the Board of Boilers and Pressure
26 Vessels and Board of Elevator and Tramway Safety expire on the effective date of this
27 Act.

28 **SUMMARY**

29 This bill repeals the current board structure in the laws governing boiler and pressure
30 vessel safety and elevator and tramway safety and places the duties and responsibility for
31 administering and overseeing the licensing and inspection of boilers, pressure vessels,
32 elevators and tramways under the Director of the Office of Professional and Occupational
33 Regulation within the Department of Professional and Financial Regulation. The bill
34 retains the current enforcement authority of the chief boiler and elevator inspector to
35 oversee the public safety inspection programs.