



# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1709

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H.P. 1098

House of Representatives, April 18, 2023

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**An Act to Establish a Baseline of Consistency and Safety for the  
Operation of Construction Cranes and Elevators**

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Reference to the Committee on Innovation, Development, Economic Advancement and Business suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT  
Clerk

Presented by Representative ROBERTS of South Berwick.  
Cosponsored by Representatives: HASENFUS of Readfield, LaROCHELLE of Augusta,  
MASTRACCIO of Sanford, SAYRE of Kennebunk.

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

2 **Sec. 1. 32 MRSA c. 133-A** is enacted to read:

3 **CHAPTER 133-A**

4 **OPERATORS OF CONSTRUCTION CRANES AND ELEVATORS**

5 **§15301. Definitions**

6 As used in this chapter, unless the context otherwise indicates, the following terms  
7 have the following meanings.

8 **1. Commissioner.** "Commissioner" means the Commissioner of Professional and  
9 Financial Regulation.

10 **2. Contractor.** "Contractor" means a person who employs or contracts with a person  
11 to operate a crane or an elevator or to train a crane operator or an elevator operator.

12 **3. Covered person.** "Covered person" means a crane operator, crane trainer, elevator  
13 operator or elevator trainer.

14 **4. Crane.** "Crane" means a fixed or mobile machine used in construction for lifting,  
15 lowering and horizontally moving a load, with the hoisting mechanism as an integral part  
16 of the machine, as described in 29 Code of Federal Regulations, Section 1926.1400 (2020).

17 **5. Crane operator.** "Crane operator" means a person who operates a crane.

18 **6. Crane trainer.** "Crane trainer" means a person who trains a crane operator.

19 **7. Elevator.** "Elevator" means a fixed hoisting and lowering mechanism used in  
20 construction for lifting or lowering personnel.

21 **8. Elevator operator.** "Elevator operator" means a person who operates an elevator.

22 **9. Elevator trainer.** "Elevator trainer" means a person who trains an elevator operator.

23 **10. General contractor.** "General contractor" means a person who employs or  
24 contracts for the services of a contractor.

25 **§15302. Registration and training**

26 Beginning January 1, 2024, a person may not operate a crane, train a crane operator,  
27 operate an elevator or train an elevator operator unless that person has met the training  
28 requirements established under subsection 1 and has registered with the commissioner in  
29 accordance with subsection 2.

30 **1. Training.** The commissioner shall by rule establish training requirements for  
31 covered persons in accordance with this subsection.

32 **A.** An elevator operator or an elevator trainer shall complete a safety training program  
33 that involves:

34 (1) At least 10 hours of training that the commissioner determines to meet  
35 applicable standards established by the United States Department of Labor,  
36 Occupational Safety and Health Administration; and

1                   (2) At least 5 hours of training, in addition to the training in subparagraph (1), that  
2                   includes a demonstrated knowledge of the American National Standards Institute's  
3                   and American Society of Safety Engineers' publication "Safety Requirements For  
4                   Personnel Hoists And Employee Elevators For Construction And Demolition  
5                   Operations," ANSI/ASSE A10.4-2004, and the United States Department of  
6                   Labor, Occupational Safety and Health Administration's Standard Number  
7                   1926.552, Material hoists, personnel hoists and elevators.

8                   B. A crane operator or a crane trainer shall:

9                   (1) Complete a safety training program that involves at least 10 hours of training  
10                  that the commissioner determines to meet applicable standards established by the  
11                  United States Department of Labor, Occupational Safety and Health  
12                  Administration; and

13                  (2) Be certified in crane operation by an accredited national organization that  
14                  certifies crane operators approved by the commissioner.

15                  **2. Registration.** The commissioner shall establish a registry of covered persons in  
16                  accordance with this subsection.

17                  A. A covered person shall register with the commissioner on a form and in the manner  
18                  established by the commissioner by rule.

19                  B. The registrant shall confirm in writing, under penalty of perjury, that the registrant  
20                  has met the requirements of subsection 1.

21                  C. The fee for a registration is \$50. A registration is valid for 2 calendar years from  
22                  the date of the registration and may be renewed upon payment of the registration fee.

23                  **3. Rules.** The commissioner shall adopt rules to implement this section. Rules adopted  
24                  by the commissioner under this subsection are routine technical rules as defined in Title 5,  
25                  chapter 375, subchapter 2-A.

26                  **§15303. Sanctions**

27                  The Attorney General may investigate and bring an appropriate action against any  
28                  person who violates this chapter.

29                  **1. False information.** A covered person may not provide false or incomplete  
30                  information in any registration under section 15302, subsection 2.

31                  A. A covered person who violates this subsection commits a civil violation for which  
32                  a fine of at least \$100 and up to \$500 may be adjudged.

33                  B. The commissioner shall permanently revoke the registration of a covered person  
34                  who is found to have provided 6 or more instances of false or incomplete information  
35                  in a registration. The commissioner, on appeal by the covered person, after notice and  
36                  a hearing, may shorten the revocation period to no less than 6 months if the covered  
37                  person provides to the commissioner proof satisfactory that:

38                  (1) The person has met all the training requirements for registration under section  
39                  15302, subsection 1;

40                  (2) With respect to registration as an elevator operator or elevator trainer, that the  
41                  person has, subsequent to the revocation, completed at least 5 hours of training, in  
42                  addition to the training in subparagraph (1), that includes a demonstrated

1 knowledge of the American National Standards Institute's and American Society  
2 of Safety Engineers' publication "Safety Requirements For Personnel Hoists And  
3 Employee Elevators For Construction And Demolition Operations," ANSI/ASSE  
4 A10.4-2004, and the United States Department of Labor, Occupational Safety and  
5 Health Administration's Standard Number 1926.552, Material hoists, personnel  
6 hoists and elevators; and

7 (3) With respect to registration as a crane operator or crane trainer, that the person  
8 has completed at least 10 hours of training in crane operation given by an  
9 accredited national organization that certifies crane operators approved by the  
10 commissioner.

11 **2. Hiring unregistered covered person.** A contractor may not employ or contract  
12 with a person to operate a crane or an elevator or to train a crane operator or an elevator  
13 operator if the person is not registered in accordance with section 15302, subsection 2 or  
14 the registration of that person is revoked under subsection 1 or if the contractor knows or  
15 has reason to know that the person is not otherwise in compliance with this chapter.

16 A. A contractor who violates this subsection commits a civil violation for which a fine  
17 of \$500 per employee per day of violation, not to exceed \$10,000 in any calendar year,  
18 may be adjudged.

19 B. If the court finds that the contractor has violated this subsection in a manner that  
20 results in the maximum fine under paragraph A, the court shall enjoin the contractor  
21 from employing in this State any person to operate a crane or an elevator or to train a  
22 crane operator or an elevator operator for a period of 12 months from the date of the  
23 adjudication.

24 **3. Contracting with violating subcontractor.** A general contractor may not employ  
25 or contract with a subcontractor who is subject to an injunction under subsection 2,  
26 paragraph B or a subcontractor whom the general contractor knows or has reason to know  
27 is not in compliance with this chapter.

28 A. A general contractor who violates this subsection commits a civil violation for  
29 which a fine of \$1,000 per subcontractor per day of violation, not to exceed \$100,000  
30 in any calendar year, may be adjudged.

## 31 SUMMARY

32 This bill does the following:

33 1. Requires operators of construction cranes and elevators to be trained and to register  
34 with the Commissioner of Professional and Financial Regulation;

35 2. Prohibits contractors from hiring persons who are not in compliance with the  
36 training and registration requirements;

37 3. Prohibits general contractors from contracting with contractors who hire persons  
38 not in compliance with the training and registration requirements; and

39 4. Provides for civil penalties for violations of the training and registration  
40 requirements and the hiring prohibitions.