



Janet T. Mills
Governor

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
35 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0035

Anne L. Head
Commissioner

TESTIMONY OF ANNE L. HEAD

Commissioner, Department of Professional and Financial Regulation

IN OPPOSITION TO LD 1168

"An Act To License Operators of Personnel Hoists"

BEFORE THE JOINT STANDING COMMITTEE ON INNOVATION, DEVELOPMENT,
ECONOMIC ADVANCEMENT AND BUSINESS

Sponsored by Representative Roberts

Public Hearing: April 13, 2021 at 9:30 am

Senator Curry, Representative Roberts and Members of the Committee, my name is Anne Head. I am Commissioner of the Department of Professional and Financial Regulation and Director of the Department's Office of Professional and Occupational Regulation. I am here today to speak in opposition to LD 1168. While we oppose this bill, please know that should a policy decision be made to regulate as proposed, we would of course undertake our regulatory responsibilities with the utmost of professionalism.

My opposition is based the following points. First, creating a new standalone board for this very small number of personnel hoist operators is unnecessary and a regulatory burden for the licensees. Second, there is no identified public harm from continuing regulation under the existing elevator safety program, which includes a process for regulating personnel hoists. Third, the proposal would trigger a sunset review, for which we have limited capacity and a growing list of possible subjects for review.

- Creating a standalone board for the small number of potential personnel hoist licensees is not necessary. In Maine, a total of five (5) A10.4 personnel hoists are used for temporary construction were previously installed and later removed. (Two (2) installed in 2014, One (1) installed in 2016, one (1) installed in 2018, and one (1) installed in 2019). BIW has 3 A10.4 personnel hoists installed that are considered "elevators." The BIW structures are not temporary structures and remain up during shipbuilding process.

OFFICES LOCATED AT: 76 NORTHERN AVENUE, GARDINER, MAINE

- There is no identified public harm in Maine that would necessitate creating an additional regulatory process and regulatory board. In accordance with Maine law and rule (and ANSI A10.4), Maine requires plans for personnel hoists to be submitted to and approved by the State's Chief Elevator Inspector, and the hoists to be installed by a registered Elevator Contractor that employs Maine-licensed elevator mechanics and is inspected by a State elevator inspector. The owner of the hoist employs and trains their personnel hoist operators, who must maintain an operational maintenance and inspection log.

LD 1168 would establish a new licensing board by removing part of an existing licensing program from the OPOR's Elevator and Tramway Safety Program. The new board would require 10 board members plus staff and inspectors. Currently, the Director of OPOR administers the Elevator and Tramway Safety Program and employs technical staff with expertise in elevators and tramways who serve all aspects of the Elevator and Tramway Safety Program. To my knowledge there has been no identified failure of the current program which, for public safety purposes, would necessitate a withdrawal from the existing program.

- The establishment of a new licensing board and the expansion of the scope of authority to include new regulation of personnel hoist operators triggers the Sunrise Review Act (32 M.R.S. §60-J). Sunset review is triggered 1) when a new license program is proposed and 2) when new regulation of a previously unregulated profession or occupation is proposed. As we have noted before, the Department does not have the capacity to undertake these sunrise reviews without appropriate funding to contract for these studies. Whether to request a Sunrise Review is a policy decision that only the Committee has authority to make, but we do encourage the committee to consider prioritizing these requests.

It is worth noting that this bill in combination with LD 210 and LD 195 would require recruiting an additional 27 volunteer board members. It is difficult to recruit and maintain members of the industry and the public to serve as volunteers on licensing boards. Board members are not paid for their service, they receive a small per diem (\$35 per day) and they have to commit to meetings during the work week.

I would be happy to respond to questions now or at the work session.

