

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

closure commissioner, judge of probate, register of probate, judge of a municipal court, etc., we feel that the same rule applies to all persons defined as "magistrate".

JAMES G. FROST
Assistant Attorney General

October 10, 1951

To Marion E. Martin, Commissioner of Labor and Industry
Re: Boilers

Your memo relative to Section 64 of Chapter 25, R. S. 1944, has been received.

Section 64 exempts certain types of boilers from the application of Sections 51 to 65 of Chapter 25, one exemption being

" . . . or to steam heating boilers which carry pressures not exceeding 15 pounds per square inch, constructed and installed in accordance with the rules adopted by the board of boiler rules; . . . "

You state that since the effective date of this section, 1935, no such rules have been adopted, that your staff is insufficient to inspect the thousands of such boilers if the rules were adopted, and that, similarly, you have insufficient funds to carry out the purpose of the section.

You then ask if you are derelict in your duty in having failed to adopt such rules. Our answer, of necessity, is, "Yes." The problems you pose of lack of personnel and lack of funds to carry out the program are, of course, administrative problems, and do not vary our answer.

You also ask if in low-boiler rules provision can be made that such rules would not apply to private residences and/or other categories.

The statute has already attempted to exempt certain boilers from the application of Sections 51-65, Chapter 25, and with respect to boilers carrying pressures not exceeding 15 pounds per square inch, they too are exempt only if you adopt rules relative to their construction and installation, and the boilers are accordingly installed.

It is our opinion that a further classification of boilers carrying pressures not exceeding 15 pounds is not consistent with the law. Certain classifications having been made, or specifically enumerated exemptions set out, further classification is for that reason precluded.

It is our opinion also that Section 62, Chapter 25, does not permit an inspection charge to be made, in the event rules are adopted, Section 64 exempting such boilers from the application of this section.

JAMES G. FROST
Assistant Attorney General

October 17, 1951

To Marion E. Martin, Commissioner of Labor and Industry
Re: Statistics

Your memorandum of October 15th makes inquiry whether the wording