

MAINE STATE LEGISLATURE

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Scope of 26 M.R.S.A. § 178

You ask what is the scope of responsibility of the Board of Boiler Rules and the Examining Committee under 26 M.R.S.A. § 178, as enacted by P.L. 1973, c. 452. More specifically, the question asks if the Board has responsibility for auxiliary equipment, including engineer? The answer is yes.

Prior to the enactment of Chapter 452, the Board of Boiler Rules was required by 26 M.R.S.A. § 173 to formulate rules for the safe and proper installation, repair, use and operation of boilers and pressure vessels. The licensing of steam engineers and boiler operators was conducted by municipal authorities as provided in 30 M.R.S.A. §§ 3201-3209, and the license covered both boilers and engines.

P. L. 1973, Chapter 452 established an Examining Committee, to be appointed by the Board of Boiler Rules, which is directed to conduct examinations for boiler operator's licenses and engineer's licenses and certify qualifying applicants to the Board for issuance of licenses. The Board has the authority to establish all necessary rules and procedures for examination and licensing. By section 4 of Chapter 452, 30 M.R.S.A. §§ 3201-3209 were repealed and the new classes of licenses were provided in sub-§ 7 of that chapter.

Section 178, sub-§7 provides for 2 grades of boiler operator's licenses and 4 classes of engineer's licenses. All of these grades and classes of licenses qualify the licensee to operate, or have charge of, "plants" of varying steam pressures. The word "plant" is defined in sub-§2F to mean "a heating plant or a power plant or a process plant". In sub-§2D, "have charge of" is defined to mean "the general supervisory control over the operation and maintenance of a plant and other stationary steam engineers or other personnel engaged in the operation of such plant", and in sub-§2F, "operate" means "to control by observation and manipulation of automatic and remote controls equipment in connection with a plant". The inference to be drawn from the above language is that the boiler operator's license or engineer's license qualifies the licensee to operate or have charge of not only the boilers and pressure vessels in a plant, but of the auxiliary equipment, including engines, found in a heating plant, power plant or process

