

MAINE STATE LEGISLATURE

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January 22, 1975

Harold S. Noddin, Director

Bureau of Labor & Industry

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Stationary Steam Engineers and Boiler Operators Licensing Law

26 M.R.S.A. § 178, sub-§1.F contains a grandfathers clause for licenses for stationary steam engineers and boiler operators which provides in pertinent part as follows:

"Any person who within 5 years prior to October 3, 1973, was employed as an engineer or boiler operator shall . . . be issued a license in the highest grade in which he was employed . . . A sworn statement by the applicant as to his experience must accompany his application and shall be considered as satisfactory evidence of his experience unless the board shall have clear and convincing evidence to the contrary."

Question: Can the previous experience of the applicant be either operating or having charge of the plant. Answer: Yes.

Section 178 contains no definition of the word "engineer." However, in our opinion, if the applicant performed duties as an engineer within the 5 years prior to October 3, 1973, it does not matter whether he actually operated the plant or whether he had charge of the plant. He is entitled to be issued a license commensurate with his experience and qualifications. If he did not serve as an engineer within the 5 year period, he is not so entitled.

We understand you have no trouble regarding licensing of boiler operators.