

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 300

H. P. 232

House of Representatives, January 16, 1963

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Hawkes of Standish.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

**AN ACT Revising Laws Relating to Boilers and Unfired Steam Pressure
Vessels.**

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

Sec. 1. R. S., c. 30, § 64, amended. The 4th sentence of section 64 of chapter 30 of the Revised Statutes is amended to read as follows:

'Of these said 4 appointed members, one shall be a representative of the owners and users of ~~steam~~ boilers within this State, one a representative of the boiler manufacturers within this State, one a representative of the operating steam engineers in this State and one a representative of ~~a the boiler inspection and insurance company companies~~ licensed to ~~do business within this state~~ insure ~~boilers within this State~~ against loss from boiler explosion.'

Sec. 2. R. S., c. 30, § 66, repealed and replaced. Section 66 of chapter 30 of the Revised Statutes, as amended by section 1 of chapter 404 of the public laws of 1955, is repealed and the following enacted in place thereof:

Sec. 66. Definitions. As used in sections 64 to 84, the following words and terms shall have the following meanings:

I. Approved. "Approved" shall mean approved by the department.

II. Authorized inspector. "Authorized inspector" shall mean a person authorized by the commissioner to examine and inspect boilers within this State and who shall be in the employ of an insurance company licensed to insure boilers within this State against loss from boiler explosion.

III. Board. "Board" shall mean the Board of Boiler Rules as established by section 64.

IV. Chief inspector. "Chief inspector" shall mean the Chief Inspector of Boilers provided for by section 68.

V. Code. "Code" shall mean such parts of the boiler code of the American Society of Mechanical Engineers as have been adopted by the Board of Boiler Rules.

VI. Commissioner. "Commissioner" shall mean the Commissioner of Labor and Industry.

VII. Department. "Department" shall mean the Department of Labor and Industry.

VIII. Deputy inspector. "Deputy inspector" shall mean a person in the employ of the State whose duties shall be the examination and inspection of boilers under the direction of the chief inspector.

IX. Miniature boiler. "Miniature boiler" shall mean a boiler so defined by the Board of Boiler Rules.

X. Schoolhouse. "Schoolhouse" shall include, but shall not be limited to, any structure used by a school or college, public or private, for the purpose of housing one or more classrooms, gymnasiums, auditoriums or dormitories.

XI. State inspector. "State inspector" shall mean a person in the employ of the State appointed under section 68.'

Sec. 3. R. S., c. 30, § 67, amended. Section 67 of chapter 30 of the Revised Statutes is amended to read as follows :

'Sec. 67. Rules and regulations. The board shall formulate and adopt rules to provide for the reasonably safe and proper construction, installation, inspection, repair, use and operation of steam boilers in this State. The rules so formulated adopted shall be based upon and conform as nearly as practicable to the boiler code of the American Society of Mechanical Engineers and Amendments and interpretations thereto made and approved by the Council of the Society established and generally accepted nationwide engineering standards, formulae and practices pertaining to the construction and safety of boilers, and to this end the board may adopt in whole or in part an existing codification thereof published by the American Society of Mechanical Engineers, together with amendments and case interpretations thereto as made and approved by the council of said society.

Rules formulated by the board shall become effective 90 days after the date they are adopted, Any except that, any change in the rules which would raise the standards governing the methods of construction of new steam boilers or the quality of material used in them shall not become effective until permissive immediately and shall become mandatory 6 months after the date of adoption of such changes in the rules. provided, however, that before any rules or regulations are adopted, amended or repealed a public hearing shall be held, after suitable notification to be has been published in at least 3 newspapers throughout in the State.'

Sec. 4. R. S., c. 30, § 68, amended. Section 68 of chapter 30 of the Revised Statutes, as amended, is further amended to read as follows:

'Sec. 68. Chief and deputy inspectors. The commissioner shall appoint, with the approval of the Governor and Council, and may remove for cause when so appointed, a citizen of this State who shall have had, at the time of such appointment, not less than 5 years' practical experience with steam boilers as a steam engineer, mechanical engineer, boiler maker or boiler inspector, and who has passed the same kind of an examination as that prescribed for deputy and ~~special~~ **authorized** inspectors in section 71 to be Chief Inspector of Boilers at any time the office may become vacant.

The commissioner may likewise appoint such deputy inspectors as are necessary to carry out ~~the provisions of~~ sections 64 to ~~84~~ 88, from among applicants who have successfully passed the examination provided for in section 71.'

Sec. 5. R. S., c. 30, § 69, repealed and replaced. Section 69 of chapter 30 of the Revised Statutes is repealed and the following enacted in place thereof:

'Sec. 69. Powers of chief inspector. The Chief Inspector of Boilers is empowered:

I. Free access to premises. To have free access for himself and his deputy or deputies during reasonable hours to any premises in the State where a boiler is built or located, or where a boiler or boiler plant apparatus is being installed, repaired or operated, for the purpose of ascertaining whether such boiler or boiler plant apparatus is built, installed, repaired or operated in accordance with sections 64 to 88.

II. Inspection certificates. To issue, suspend and revoke inspection certificates allowing boilers to be operated, as provided in sections 64 to 88.

III. Enforce laws and rules. To enforce the laws of the State governing boilers and to enforce the rules adopted by the Board of Boiler Rules, and to supervise the work of boiler inspectors.

IV. Records. To keep a complete record of the type, dimensions, age, conditions, pressure allowed upon, location and date of last inspection of all boilers to which sections 64 to 88 apply.

V. Copies of rules. To publish and distribute among boiler manufacturers and others requesting them copies of the rules adopted by the board.

VI. Examinations and certificates of authority. To hold examinations to establish the fitness of applicants to inspect boilers within this State, and upon authorization by the commissioner, to issue certificates of authority to inspectors who have successfully passed such examinations.'

Sec. 6. R. S., c. 30, § 70, amended. Section 70 of chapter 30 of the Revised Statutes is amended to read as follows:

'Sec. 70. Authorized inspectors; duties. In addition to any deputy boiler inspectors authorized and appointed under ~~the provisions of~~ section 68, the commissioner shall, upon the request of any company authorized to insure ~~boil-~~

ers within this State against loss from boiler explosion, ~~of steam boilers in this State~~ issue to the boiler inspectors of such company certificates of authority as ~~special authorized~~ inspectors, provided that each inspector before receiving his certificate of authority shall pass satisfactorily the examination provided for in section 71, or, in lieu of such examination, shall hold a certificate as an inspector of steam boilers for a state that has a standard of examination equal to that of this State, or shall hold a ~~certificate~~ **commission** from the National Board of Boiler and Pressure Vessel Inspectors **as an inspector of steam boilers**. Such ~~special authorized~~ inspectors shall receive no salary from, nor shall any of their expenses be paid by, the State, and the continuance **of the authority of a special an authorized** inspector's certificate shall be conditioned upon his continuing in the employ of ~~a boiler inspection and the insurance company duly authorized as aforesaid~~ **which requested issuance of his certificate of authority**, and upon his maintenance of the standards imposed by ~~the provisions of~~ sections 64 to ~~79~~ **84**. Such ~~special authorized~~ inspectors shall inspect all ~~steam~~ boilers insured by their respective companies **to which sections 64 to 84 apply**, and the owners or users of such insured **and inspected** boilers shall be exempt from the payment of the fees provided for in section 76. ~~Each company employing such special inspectors shall within 30 days following each annual internal inspection made by such inspectors, file a report of such inspection with the chief inspector.~~

Sec. 7. R. S., c. 30, § 71, amended. The first paragraph of section 71 of chapter 30 of the Revised Statutes, as amended by section 2 of chapter 272 of the public laws of 1957, is further amended to read as follows:

'The examination for deputy inspectors and ~~special authorized~~ inspectors shall be given by the Chief Inspector of Boilers, or by at least 2 examiners to be appointed by said chief inspector. The person to be examined must pay an examination fee of \$10. Such examination must be written or part written and part oral, recorded in writing, and must be confined to questions the answers to which will aid in determining the fitness and competency of the applicant for the intended service and must be of uniform grade throughout the State. The chief inspector shall certify to the commissioner the names of applicants who have successfully passed the examination. In case an applicant for an inspector's certificate of authority fails to pass this examination, he may appeal to the Board of Boiler Rules for a 2nd examination, which shall be given by said board, or, by examiners other than those by whom the first examination was given and these examiners shall be appointed forthwith to give said 2nd examination. Upon the result of this examination on appeal, the board shall determine whether the applicant be qualified. The record of an applicant's examination, whether original or on appeal, shall be accessible to him and to his employer.'

Sec. 8. R. S., c. 30, § 71, amended. The 2nd paragraph of section 71 of chapter 30 of the Revised Statutes, enacted by section 2 of chapter 272 of the public laws of 1957, is amended to read as follows:

'The fee for issuing a certificate of authority as ~~special~~ **an authorized** inspector shall be \$10 when such certificate is granted under ~~the provisions of~~ section 70, to a person who holds a certificate as an inspector of steam boilers for a state that has a standard of examination equal to that of this State or a certificate

from the National Board of Boiler and Pressure Vessel Inspectors, and whose examination has been waived in accordance with ~~the provisions of section 70.~~'

Sec. 9. R. S., c. 30, § 72, amended. Everything after the first sentence of section 72 of chapter 30 of the Revised Statutes, as amended by section 2 of chapter 404 of the public laws of 1955, is further amended to read as follows:

'Each steel boiler and boilers not fabricated of castings, except hot water heating boilers as hereinafter provided for, shall be inspected internally and externally; ~~and all normally accessible surfaces of cast iron boilers shall be cleaned for inspection but need not be dismantled unless in the opinion of the inspector it is necessary which shall be the "certificate inspection."~~ Each cast iron boiler and boilers fabricated of other cast materials shall be inspected externally at all normally accessible surfaces while completely filled with water, which shall be the "certificate inspection", and such boilers shall also be internally inspected when in the opinion of the inspector an internal inspection is necessary. ~~If it shall be a boiler, inspected as aforesaid, is found to be suitable and to conform to the rules of adopted by the Board of Boiler Rules, upon payment by the owner or user of such a boiler of the sum of \$2 to the chief inspector, the latter shall issue to such by the owner or user of said boiler, the chief inspector shall issue to said owner or user an inspection certificate for each such boiler. Not more than 14 months shall lapse between "certificate inspections" of each such boiler and there shall be not less than 4 such inspections of each such boiler in 37 consecutive months, and in addition, each such boiler, except miniature boilers, shall be inspected externally, preferably while in service, not more than 6 months after each "certificate inspection" of such boiler. In the case of hot water heating boilers which are not fabricated of cast iron or other cast materials, after any such boiler shall have been inspected internally and externally by a state inspector, or by an authorized inspector employed by an insurance company insuring the boiler, said boiler may thereafter be internally inspected by the same inspecting agency only once in every 36 consecutive months if, in the opinion of the chief inspector, more frequent internal inspection of such boiler is not necessary because of favorable conditions coincident with its operation; in which case all such hot water heating boilers shall, in addition to their being inspected internally once every 36 consecutive months, be inspected externally at all normally accessible surfaces while under the water pressure of their connected heating systems, at the same frequency as provided for cast iron boilers, and inspection certificates shall be issued for such hot water heating boilers under the same conditions as provided for cast iron boilers.~~

Inspection certificates shall specify the maximum pressure that the ~~boilers~~ inspected boiler may be allowed to carry ~~Such inspection certificate and shall be valid for not more than 14 months from its the date and it of the inspection of said boiler. The inspection certificate for each boiler shall be posted under glass in the engine or boiler room containing such boiler or an in the engine room of an engine operated by it, or, in the case of a portable boiler, in the office of the plant where it is located for the time being its inspection certificate shall be kept in a readily opened and weatherproof container attached on the boiler or on the vehicle on which the boiler is mounted. The operation of a boiler to which sections 64 to 84 apply, without a valid inspection certificate posted as required in this section, shall constitute a misdemeanor on the part of the~~

owner or user of such boiler and said owner or user shall be fined \$10 for each such offense.

The chief inspector or any deputy inspector may at any time suspend an inspection certificate when, in his opinion, the boiler for which it was issued may not continue to be operated without menace to the public safety or when the boiler is found not to comply with the rules ~~herein provided for~~ **adopted by the Board of Boiler Rules**, and ~~a special~~ **an authorized** inspector shall have corresponding powers with respect to inspection certificates for boilers insured by the company employing him. Such suspension of an inspection certificate shall continue in effect until said boiler shall have been made to conform to the rules of the board and until said inspection certificate shall have been reinstated by a state inspector if the inspection certificate was suspended by a state inspector, or by ~~a special~~ **an authorized** inspector or ~~a state inspector~~ if ~~it~~ **the inspection certificate** was suspended by a ~~special~~ **an authorized** inspector. ~~Not more than 14 months shall elapse between such inspections and there shall be at least 4 such inspections in 37 consecutive months. Each such boiler, except miniatures, shall also be inspected externally while under pressure with at least the same frequency and at no greater intervals.~~

Sec. 10. R. S., c. 30, § 73, amended. Section 73 of chapter 30 of the Revised Statutes, as amended by section 3 of chapter 272 of the public laws of 1957, is further amended to read as follows:

'Sec. 73. Temporary inspection certificates. Whenever it shall appear to the commissioner that an emergency affecting public safety and welfare exists, the commissioner may authorize the chief inspector to issue a temporary inspection certificate **to be effective** for a period not exceeding 6 months after an inspection certificate, **which was issued according to section 72**, shall have expired. A temporary inspection certificate may be issued without an internal inspection being made, **provided the boiler is externally inspected and a report of such inspection filed with the department.** If the boiler is insured, the temporary inspection certificate shall not be issued ~~until unless~~ recommended in writing by ~~the an~~ **an authorized** ~~special~~ inspector ~~of employed by~~ the company insuring the boiler and by the chief inspector or one of his deputies; or, if the boiler is not insured, the ~~authorized~~ state inspectors. The provisions **of section 72 as to concerning the** posting of ~~the inspection certificate certificates~~ shall also apply to ~~the each~~ temporary inspection certificate.'

Sec. 11. R. S., c. 30, § 74, amended. Section 74 of chapter 30 of the Revised Statutes, as amended by section 4 of chapter 272 of the public laws of 1957, is further amended to read as follows:

'Sec. 74. Inspection certificate. It shall be unlawful for any person, firm, partnership or corporation to operate ~~under pressure~~ in this State ~~a steam~~ **any** boiler to which sections 64 to 84 apply, without a valid inspection certificate as provided for in said sections ~~The and the~~ **operation of any such a steam** boiler without **such** an inspection certificate shall constitute a misdemeanor on the part of the owner or user thereof and be punishable by a fine of not more than \$100, or by imprisonment for not more than 30 days, or by both, **and each day of such operation shall constitute a separate offense.'**

Sec. 12. R. S., c. 30, § 75, amended. Section 75 of chapter 30 of the Revised Statutes is amended to read as follows:

'Sec. 75. Installation of new boilers. ~~No new steam boiler which does not conform to the rules formulated by the Board of Boiler Rules governing new installations shall be installed in this state~~ All new steam boilers, hot water supply boilers and hot water heating boilers installed for operation in this State shall conform to the rules governing new installations of such boilers adopted by the Board of Boiler Rules, except boilers which are exempt by section 78.

All new boilers to be installed for operation at steam pressures in excess of 15 pounds per square inch, and all new steel-plate boilers to be installed for operation at steam or vapor pressures not in excess of 15 pounds per square inch; or for operation as hot water supply boilers; or as hot water heating boilers, shall be inspected during their construction; by an inspector duly authorized to inspect boilers in this State, or, ~~if constructed outside the state, by an inspector holding a certificate of authority from the chief inspector of this state, or by an inspector who holds a certificate of inspection valid commission issued by the National Board of Boiler and Pressure Vessel Inspectors authorizing him to make inspections of such boilers.'~~

Sec. 13. R. S., c. 30, § 76, amended. Section 76 of chapter 30 of the Revised Statutes is amended to read as follows:

'Sec. 76. Inspection charge. The owner or user of a ~~steam~~ boiler, required by the provisions of sections 64 to ~~79~~ 84, to be inspected by the chief inspector, or ~~his~~ by a deputy ~~inspectors~~ inspector, shall pay the inspector upon inspection ~~\$10~~ an inspection fee, to be determined as follows: For the internal and external inspection of ~~a~~ each steel boiler and for any boiler not fabricated of castings, except a miniature boiler, while not under pressure having a grate area of more than ~~10~~ square feet or equivalent, the fee shall be \$10 and, in addition, ~~10 cents for every square foot of grate area in excess of 10 square feet or equivalent~~ in service, the fee shall be \$15 for boilers having 500 square feet of water heating surface or less, and for boilers having a water heating surface in excess of 500 square feet the fee shall be \$15 plus 10c for each 10 square feet of heating surface in excess of 500 square feet, up to a maximum fee of \$20. In cases of ~~a~~ specially designed boiler boilers wherein ~~no~~ grate area exists the transfer of heat is accomplished by means other than from water heating surface in contact with the products of combustion produced from fuel burned within the boiler furnace, the board is authorized to set the fee for the inspection of such boilers on the basis of the maximum horsepower that can be generated. The fee for the "certificate inspection" of a cast iron boiler and boilers fabricated of other cast materials shall be \$10. For the external inspection of a boiler while under operation conditions as provided in section 72, the fee shall be \$3 \$5. For the internal and external inspection of a miniature boiler, the fee shall be \$3 \$5. For a hydrostatic test of any boiler except miniature boilers, a fee of \$5 \$10 shall be charged in addition to the inspection fees ~~hereinbefore provided for~~ provided that not. Not more than \$20 \$25 shall be collected for such the inspection of any one boiler made for any one year in any 12 consecutive months and exclusive of the fee for any hydrostatic test of said boiler, unless additional inspections are required by the owners or users of the ~~same~~ boiler,

or unless the boiler has been inspected and ~~a~~ **an inspection** certificate has been refused, withheld or ~~withdrawn~~ **suspended**, or unless an additional inspection is required because of the change of location of a stationary boiler. The type and size of ~~the miniature boiler~~ **boilers required** to be inspected shall be determined by the Board of Boiler Rules. The inspector shall give receipts for said fees and shall pay all sums so received to the Chief ~~Boiler~~ **Inspector of Boilers** who shall pay the same to the commissioner, who shall turn same over to the Treasurer of State to be credited to the General Fund.'

Sec. 14. R. S., c. 30, § 81, amended. Section 81 of chapter 30 of the Revised Statutes is amended to read as follows:

'Sec. 81. Insurance company inspection reports and notices. In case a boiler is insured ~~and inspected~~ by a duly accredited insurance company licensed to ~~do business insure~~ **boilers** in this state **against loss from explosion, and the boiler is inspected by an authorized inspector in their employ**, a copy of the record of each ~~internal~~ inspection required of ~~such~~ said boiler by section 72 shall be filed with the department **within 30 days following each such inspection.**

~~In case an insurance company cancels insurance upon any steam boiler carrying over 15 pounds gauge pressure or the policy expires and is not renewed, notice shall immediately be given the department. Any insurance company shall likewise notify said department immediately upon the placing of insurance on such boiler~~

Notice by the insurance company shall immediately be given the department of their placing insurance upon, or of the termination of their insurance on, any boiler to which sections 64 to 84 apply.'

Sec. 15. R. S., c. 30, § 82, amended. The last paragraph of section 82 of chapter 30 of the Revised Statutes is repealed and the following enacted in place thereof:

'Rules and formulae used in all mathematical computations necessary to determine the safety of a boiler shall be in accordance with engineering standards which shall have been adopted by the Board of Boiler Rules of this State.'

Sec. 16. R. S., c. 30, § 83, amended. The first paragraph of section 83 of chapter 30 of the Revised Statutes, as amended, is further amended to read as follows:

'No Any steam boiler or unfired steam pressure vessel which has been allowed to carry pressures exceeding 15 pounds per square inch that has been condemned for further use at such pressures in this or any other state by a state inspector, or by an authorized boiler inspector employed by an insurance company, or by an inspector authorized to inspect boilers by ~~a~~ another state or by the Federal Government, shall not be operated in this State at a gauge pressure of over 15 pounds per square inch. Each steam boiler or unfired steam pressure vessel located in a schoolhouse or owned by a municipality carrying pressures not exceeding 15 pounds per square inch, or any hot water supply boiler, or hot water heating boiler, to which sections 64 to 84 apply, if condemned, shall not be operated.'

Sec. 17. R. S., c. 30, § 84, amended. Section 84 of chapter 30 of the Revised Statutes is amended to read as follows:

Sec. 84. Welding on boilers; certificates for welders. No ~~journeyman welder performing welding work for hire person~~ shall make ~~welding any welded repairs or alterations~~ to any steam ~~vessel boiler~~ which ~~carries a~~ is approved to carry steam ~~pressure pressures~~ of more than 15 pounds per square inch, without first receiving authorization to do so from the chief ~~Boiler~~ inspector, provided that, ~~the foregoing provision such authorization shall not apply to persons who held certificates or standing authorization from the Board of Boiler Rules~~ be required by any person who holds a valid certificate of authorization as a welder, issued to him by the commissioner upon certification by the chief inspector that said welder is qualified as such, in accordance with the rules adopted by the Board of Boiler Rules. Before starting any welded repair or alteration on any boiler as aforementioned, or any welded repair, alteration or installation of any piping connected or to be connected thereto which is required to conform with the rules adopted by the board, the welder shall ascertain that the intended repair, alteration or installation has been sanctioned by a state inspector or an authorized inspector.

The Board of Boiler Rules is authorized to make, amend or rescind reasonable rules and regulations relating to the qualifications of ~~journeymen welders performing welding for compensation~~ who may make welded repairs, alterations and installations of steam boilers or the piping thereof as provided in this section, and the board is further empowered to conduct, or cause to be conducted, welder's examinations, ~~issue certificates and to charge a~~ establish reasonable ~~fee fees~~ for such examination and for ~~such welder's~~ certificates. Welder's certificates shall be renewable annually and shall be valid for 12 months from date of issue unless revoked for incompetence, untrustworthiness, willful falsification, or for making nonsanctioned welded repairs, alterations or installations provided for herein.

Any person ~~violating who violates the provisions of~~ this section may be punished by a fine of not more than \$100.'