

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 784

H. P. 592

House of Representatives, January 28, 1965

Referred to the Committee on Legal Affairs, sent up for concurrence and ordered printed.

JEROME G. PLANTE, Clerk

Presented by Mr. Conley of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

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 R. S., T. 26, § 141, repealed and replaced. Section 141 of Title 26 of the Revised Statutes is repealed and the following enacted in place thereof:

“Sec. 141. Definitions. As used in this subchapter, the following words shall have the following meanings:

1. **Approved.** “Approved” shall mean approved by the department.
2. **Authorized inspector.** “Authorized inspector” shall mean a person authorized under section 247 to inspect boilers, and who is an employee of an insurance company licensed to insure boilers against loss from boiler explosion in this State.
3. **Board.** “Board” shall mean the Board of Boiler Rules provided for in section 171.
4. **Chief inspector.** “Chief inspector” shall mean the chief inspector of boilers provided for in section 175.
5. **Commissioner.** “Commissioner” shall mean the Commissioner of Labor and Industry of this State.
6. **Department.** “Department” shall mean the Department of Labor and Industry of this State.
7. **Deputy inspector.** “Deputy inspector” shall mean an employee of the Department of Labor and Industry of this State, appointed under section 175 to inspect boilers.

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

9. **Schoolhouse.** "Schoolhouse" shall be understood to include, but not be limited to, any structure used by a school or college, public or private, for the purpose of housing any classroom, gymnasium, auditorium or dormitory.'

Sec. 2. R. S., T. 26, § 142-A, additional. Title 26 of the Revised Statutes is amended by adding a new section 142-A, to read as follows:

'Sec. 142-A. **Appeals.** Any person aggrieved by an order, determination or declaration of the commissioner or of the Chief Inspector of Boilers or of a deputy inspector or of an authorized inspector, under this subchapter, may, within 15 days after notice thereof, appeal in writing from said order, determination or declaration to the Board of Boiler Rules, which shall hold a hearing thereon within 15 days of receipt of such appeal, after which said board shall issue its ruling affirming or revoking said order, determination or declaration in whole or in part. The appellant shall be entitled to be present in person and by counsel at said hearing of his appeal.

Any order, rule, regulation, determination, declaration, ruling or finding formulated by the Board of Boiler Rules shall be subject to review by a Justice of the Superior Court by an appeal taken within 30 days after the effective date of such order, rule, regulation, determination, declaration, ruling or finding to the Superior Court held in or for the county in which the boiler in contest is located, at the instance of any party in interest and aggrieved by said order, rule, regulation, determination, declaration, ruling or finding. Such appeal shall be prosecuted by complaint. Upon the filing thereof, the court shall order notice thereof. Upon the evidence and after hearing, which shall be held not less than 7 days after notice thereof, the court may modify, affirm or reverse the order, rule, regulation, determination, declaration, ruling or finding in whole or in part in accordance with law and the weight of evidence. The court shall, upon hearing, determine whether the filing of the appeal shall operate as a stay of any order, rule, regulation, determination, declaration, ruling or finding of the board pending the final determination of the appeal and may impose such terms and conditions as may be deemed proper.'

Sec. 3. R. S., T. 26, § 173, amended. Section 173 of Title 26 of the Revised Statutes is amended to read as follows:

'Sec. 173. **Rules and regulations.** The board shall ~~formulate~~ **adopt** rules to **provide** for the ~~safe and~~ proper construction, installation, **inspection**, repair, **safe** use and operation of steam boilers **hot water heating boilers, and hot water supply boilers, used or proposed to be used** in this State. The rules so formulated shall 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 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**

upon adoption by the board and shall become mandatory 6 months after the date of adoption of ~~any~~ such change in the rules. Before any rules or regulations are adopted, a public hearing shall be held, ~~after~~ **after** suitable notification ~~to be~~ **has been** published in at least 3 newspapers ~~throughout~~ **throughout** in the State.'

Sec. 4. R. S., T. 26, § 174, amended. The first paragraph of section 174 of Title 26 of the Revised Statutes is amended to read as follows:

'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.'

Sec. 5. R. S., T. 26, § 212, repealed and replaced. Section 212 of Title 26 of the Revised Statutes is repealed and the following enacted in place thereof:

'**Sec. 212. Welding on boilers; certificates for welders.** No person shall make any welded repair or alteration to any steam boiler which carries a steam pressure of more than 15 pounds per square inch, or make any welded repair, alteration or installation of any piping of such boilers which comes under the rules of the Board of Boiler Rules, without first receiving authorization to do so from the Chief Inspector of Boilers. This provision for prior authorization shall not apply to any person who holds a welder's certificate of authority issued under this section, and provided that such person first ascertains that the proposed welding work governed by this section is sanctioned by the chief inspector, or by a deputy inspector, or by an authorized inspector.

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

The Board of Boiler Rules is authorized to make, amend or rescind reasonable rules and regulations relating to the qualification and certification of welders who may be authorized to perform welding work governed by this section. The board is further empowered to set the fees for welder's examinations and for the issuance and renewal of welder's certificates of authority issued under this section.

The commissioner shall conduct, or cause to be conducted, welder's examinations in accordance with the rules adopted by the Board of Boiler Rules to govern such examinations, and upon receipt of payment of the fee prescribed therefor by the board, shall issue a welder's certificate of authority to each person who successfully passes said examination, which shall authorize such person to perform welding work governed by this section. Such certificates shall be valid for not more than 12 months after the welder has successfully passed the prescribed examination, unless suspended or revoked as provided in this section and shall be renewable annually in accordance with the rules of the board.

Any welder's certificate of authority may be suspended or revoked by the commissioner for incompetence, untrustworthiness, willful falsification, or for performing welding work governed by this section which was not sanctioned as provided for in this section.'

Sec. 6. R. S., T. 26, § 213, amended. Section 213 of Title 26 of the Revised Statutes is amended to read as follows:

Sec. 213. Condemnation; operation of condemned boilers and vessels. The Board of Boiler Rules is empowered to adopt rules for the condemnation of boilers and unfired steam pressure vessels which, according to the rules of the board, may not be operated without endangering life, limb or property.

~~No steam~~ Any boiler or unfired steam pressure vessel that has been condemned for further use in this State or any other state elsewhere by an authorized any boiler inspector employed by an insurance company or by an inspector authorized to inspect boilers by a state this State, or by the Federal Government, or by any other duly constituted governmental authority shall not be operated in this State at a gauge pressure of over 15 pounds, except that, upon written recommendation by a deputy inspector or by an authorized inspector, concurred in by the chief inspector, any steam boiler or unfired steam pressure vessel built to carry more than 15 pounds per square inch may be allowed to operate under pressures not in excess of 15 pounds per square inch. Each steam boiler or unfired steam pressure vessel located in a schoolhouse or owned by a municipality, if condemned, shall not be operated.

All computations necessary to determine the safety of any boiler or unfired steam pressure vessel under this section shall be in accordance with applicable rules and standards adopted by the Board of Boiler Rules.

Whoever operates a boiler in violation of this section shall be punished by a fine of not less than \$100.

Sec. 7. R. S., T. 26, § 214, amended. Section 214 of Title 26 of the Revised Statutes is amended to read as follows:

Sec. 214. Condemned boilers and vessels stamped. Every ~~steam~~ boiler or and unfired steam pressure vessel when condemned in this State shall be stamped in the following manner with letters or characters at least $\frac{3}{8}$ of an inch high reading "XXX Me.," and the department shall immediately be notified of such condemnation by the inspector who ordered the condemnation.

The ~~stamp~~ stamping "XXX Me." placed on condemned boilers shall be made across immediately above or below the State registration mark or number of the boiler, or, if the boiler has no State registration mark or number, a stamp is stamped on the boiler, the stamping "XXX Me." shall be placed in the location of this mark where the State registration number should be stamped as determined by the rules of the American Society of Mechanical Engineers Boiler Code Board of Boiler Rules of this State. The stamping "XXX Me." shall be driven deeply into the plate so that any removal thereof shall be plainly evident.

The stamping shall be done with individual letters, driven into the plate so far as to thoroughly cancel any previous registration and shall be made with letters at least $\frac{3}{8}$ of an inch high.

Any person who obliterates such condemnation mark or stamping shall be punished by a fine of not less than \$100.

The laws and regulations of the American Society of Mechanical Engineers Boiler Code shall be used in all mathematical computations necessary to determine the safety of a boiler.

Sec. 8. R. S., T. 26, § 241, amended. Section 241 of Title 26 of the Revised Statutes is amended to read as follows:

'Sec. 241. Certificate required. It shall be unlawful for any person, firm, partnership or corporation to operate under pressure in this State ~~a steam~~ any boiler, to which this subchapter applies, without a valid inspection certificate as provided for in said subchapter. The operation of ~~a steam~~ any such boiler without 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.'

Sec. 9. R. S., T. 26, § 243, amended. Section 243 of Title 26 of the Revised Statutes is amended to read as follows:

'Sec. 243. Insurance. In case a boiler is insured ~~and inspected by a duly ac-~~ credited an insurance company licensed to ~~do business~~ insure boilers in this State against loss from explosion, a copy of the record of each ~~internal~~ inspection required of such boiler under this subchapter, ~~duly signed by the inspector who performed such inspection,~~ shall be filed with the department by said insurance company within 15 days of the date of 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.~~

Each insurance company shall give written notice to the department within 30 days of their placement of insurance, or of the termination of their insurance, on any boiler to which this subchapter applies, except that, when an insurance company cancels its insurance on any such boiler, said company shall notify the department, in writing, not more than 10 days after their cancellation of their insurance on any such boiler, giving the date of their cancellation and the reason therefor.'

Sec. 10. R. S., T. 26, § 246, amended. Section 246 of Title 26 of the Revised Statutes is amended to read as follows:

'Sec. 246. Powers of chief inspector. The chief inspector is empowered:

1. **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 ~~steam boiler is built or where a steam boiler or power boiler plant apparatus is located~~ or is being built, installed, repaired or operated, for the purpose of ascertaining whether such boiler or boiler plant apparatus is built, installed and operated in accordance conformance with this subchapter;

2. **Inspection certificates.** To issue, suspend and revoke boiler inspection certificates ~~allowing steam boilers to be operated,~~ as provided for in sections 242 and 244;

3. **Enforce laws and rules.** To enforce the laws of the State ~~governing the use of steam~~ relating to boilers and to enforce the rules of the Board of Boiler Rules;

4. Records. To keep a complete record of the type, dimensions, age, reported conditions, maximum pressure allowed upon, location and ~~date~~ **dates** of ~~last~~ inspection ~~of for~~ all boilers to which this subchapter applies;

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

6. Examinations and certificates of authority. To hold examinations **provided for in section 176, and upon authorization by the commissioner,** issue certificates of ~~competency~~ **authority** to inspectors who have successfully passed such examinations.'

Sec. 11. R. S., T. 26, § 247, amended. Section 247 of Title 26 of the Revised Statutes is amended to read as follows:

'**Sec. 247. Authorized inspectors; duties.** In addition to any deputy boiler inspectors authorized and appointed under section 175, the commissioner shall, upon the request of any company authorized to insure **boilers in this State** against loss from explosion ~~of steam boilers in this State~~, issue to the boiler inspectors **in the employ** of such company certificates of authority as authorized inspectors, provided that each **such** inspector before receiving his certificate of authority shall ~~pass~~ **have passed** satisfactorily the examination provided for in section 176, 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~~ **The National Board of Boiler and Pressure Vessel Inspectors as an inspector of steam boilers.** Such authorized inspectors shall receive no salary from, nor shall any of their expenses be paid by the State ~~and the~~. **The continuance of the authority of an authorized inspector's certificate shall be conditioned upon his continuing in the employ of a boiler inspection and insurance company, duly authorized, and upon his maintenance of the standards imposed by this subchapter. Such authorized inspectors shall inspect make all steam inspections required of boilers under this subchapter that are insured by their respective companies, and the owners or users of such insured boilers shall be exempt from the payment of the fees provided for in section 245. Each company employing such authorized inspectors shall within 30 15 days following each annual internal inspection required under this subchapter to be made by such inspectors, file a report of such inspection with the chief inspector.'**