

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1265

H. P. 851

House of Representatives, March 1, 1967

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Richardson of Stonington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

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 R. S., T. 26, § 141, repealed and replaced. Section 141 of Title 26 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 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 include, but not be limited to, any structure used by any school or college, public or private, for the purpose of housing any classroom, gymnasium, auditorium or dormitory.

10. **State inspector.** "State inspector" shall mean the chief inspector or any deputy inspector, or both, as provided for in section 175.

Sec. 2. R. S., T. 26, § 173, amended. Section 173 of Title 26 of the Revised Statutes is amended to read as follows:

§ 173. Rules and regulations

The board shall formulate and 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 society. The board in formulating such rules shall be guided by nationally recognized standards pertaining to the construction and safety of boilers such as, but not limited to, the boiler codes of The American Society of Mechanical Engineers and amendments and interpretations thereto adopted by said society.

Rules formulated adopted by the board shall become effective 90 days after the date they are adopted. Any of their adoption, 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 materials used in them their construction shall not become effective until permissive upon adoption by the board and shall become mandatory 6 months after the date of adoption of such change in the rules. Before any rules or regulations are adopted, a public hearing shall be held, after suitable notification to be has been published in at least 3 newspapers throughout in the State.

Sec. 3. R. S., T. 26, § 174, amended. Section 174 of Title 26 of the Revised Statutes is amended to read as follows:

§ 174. Installation of new boilers

No new steam boiler, hot water heating boiler or hot water supply boiler, to which this subchapter applies, which does not conform to the rules formulated adopted by the Board of Boiler Rules governing new installations of such boilers shall be installed in this State.

All new boilers to be installed for operation within this State, when constructed in this State, shall be inspected during their construction, by an inspector authorized to inspect boilers in this State, or, if constructed outside the this State, such boilers shall be inspected during their construction, by an in-

spector holding a certificate of authority from the ~~chief inspector of this State commissioner~~, or, by an inspector who holds a ~~certificate of inspection commission as an inspector of steam boilers~~ issued by ~~the~~ The National Board of Boiler and Pressure Vessel Inspectors.

Sec. 4. 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:

§ 212. Welding on boilers; certificates for welders

No welding shall be done on any steam boiler that carries pressures in excess of 15 pounds per square inch or on any piping thereof that comes within the scope of the rules adopted by the Board of Boiler Rules, until approval of the proposed welding is obtained from the chief inspector or a deputy inspector or an authorized inspector. No welder other than a person holding a welder's certificate of authority provided for in this section shall do any welding governed by this section unless he first obtains authorization to do so from the chief inspector or from a deputy inspector.

Any person, firm, partnership or corporation that violates any of the provisions of the first paragraph of this section shall be punished by a fine of not more than \$100.

The Board of Boiler Rules is authorized to adopt reasonable rules governing the qualification and certification of welders to perform welding work governed by this section, and to set the fees for welders' qualification examinations and for the issuance and renewal of welders' certificates of authority provided for in this section.

The commissioner or a person delegated by him, shall conduct welders' qualification examinations in accordance with the rules adopted by the Board of Boiler Rules governing such examinations, and when the welder's test specimens are examined and approved by the chief inspector, or by a deputy inspector or an authorized inspector delegated by him in case of emergency, said inspector shall so certify to the commissioner and on receipt of payment of the fees prescribed by the board, the commissioner shall issue to each person who successfully passes said examination, a welder's certificate of authority which shall authorize such person to perform welding work governed by this section. Such certificates shall be issued for an effective period of 12 months, and shall be renewable annually in accordance with the rules of the board. Fees collected under this section shall be deposited with the Treasurer of State to be credited to the General Fund.

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

Sec. 5. R. S., T. 26, § 241, amended. Section 241 of Title 26 of the Revised Statutes is amended to read as follows:

§ 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. 6. R. S., T. 26, § 242, amended. Section 242 of Title 26 of the Revised Statutes is amended to read as follows:

§ 242. Temporary certificate

Whenever it shall appear to the commissioner that an emergency affecting public safety ~~and~~ or welfare exists, **or is imminent**, the commissioner may authorize the chief inspector to issue a temporary inspection certificate **for any boiler to be effective** for a period not exceeding 6 months after an inspection certificate **that was issued according to section 244** shall have expired. A temporary inspection certificate may be issued without an internal inspection being made, **provided the boiler is inspected externally by a state inspector or by an authorized inspector, while under pressure, and a report of such inspection is 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** authorized 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 temporary inspection certificate shall be recommended in writing by at least 2 ~~authorized~~ state inspectors. The provisions ~~as to~~ **of section 244 concerning the fee for and the** posting of the inspection certificate shall apply to the temporary inspection certificate.

Sec. 7. R. S., T. 26, § 243, amended. Section 243 of Title 26 of the Revised Statutes is amended to read as follows:

§ 243. Insurance

In case a boiler is insured ~~and inspected by a duly accredited~~ 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, whenever an insurance company cancels its insurance on any such boiler, that 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.

When, for any reason, an authorized inspector ceases to be employed by the insurance company in whose behalf his certificate of authority as authorized inspector of steam boilers was issued by this State, written notice of the termination of their employment of that inspector shall be given the department by said company within 30 days of such termination.

Sec. 8. R. S., T. 26, § 246, amended. Section 246 of Title 26 of the Revised Statutes is amended to read as follows:

§ 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~~ ~~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. 9. R. S., T. 26, § 247, amended. Section 247 of Title 26 of the Revised Statutes is amended to read as follows:

§ 247. Authorized inspectors; duties

~~In addition to any deputy boiler inspectors authorized and appointed under section 175, the~~ The commissioner shall, upon the request of any company authorized to insure against loss from explosion of ~~steam~~ boilers in this State, issue to each of the boiler inspectors in the employ of such company ~~certificates as are applied for, a certificate~~ of authority as authorized ~~inspectors~~ inspector of steam boilers, 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 stand-

ards equal to ~~that~~ those of this State, for such certificates, 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~~ the duly authorized boiler inspection and insurance company ~~duly authorized for which his certificate of authority was issued~~ 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 when so inspected 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~~ ~~interannual~~ inspection required to be made under this subchapter by such inspectors, file a report of such inspection with the chief inspector.