

MAINE STATE LEGISLATURE

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(New Title)
New Draft of: H. P. 166, L. D. 208

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1939

H. P. 1502

House of Representatives, May 16, 1973

Reported by Mr. Sproul from the Committee on Legal Affairs and printed under Joint Rules No. 18.

E. LOUISE LINCOLN, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

**AN ACT Creating the Stationary Steam Engineers' and Boiler Operators'
Licensing Law.**

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

Sec. 1. R. S., T. 26, § 178, repealed and replaced. Section 178 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 447 of the public laws of 1971, is repealed and the following enacted in place thereof:

§ 178. Stationary steam engineers' and boiler operators'

1. Licenses. In order to safeguard life, health and property, the Board of Boiler Rules shall, as set forth in this section, provide for the licensing of stationary steam engineers and boiler operators. Such licensing shall be voluntary on the part of the stationary steam engineers and boiler operators until such times as hereinafter set forth in this section.

A. Starting September 1, 1974, no person shall operate or have charge of any plant having a capacity of over 50,000 #/HR unless he holds a valid license of the proper grade issued by the board.

B. Starting September 1, 1975, no person shall operate or have charge of any plant having a capacity of over 25,000 #/HR unless he holds a valid license of the proper grade issued by the board.

C. Starting September 1, 1976, no person shall operate or have charge of any plant having a capacity of over 15,000 #/HR unless he holds a valid license of the proper grade issued by the board.

D. Starting September 1, 1977, no person shall operate or have charge of any plant having a capacity of over 5,000 #/HR unless he holds a valid license of the proper grade issued by the board.

E. The board shall set the dates after September 1, 1977 when persons operating or having charge of plants having a capacity of under 5,000 #/HR shall be required to be licensed.

Those persons operating boilers exempted under section 142 shall be exempt from the licensing requirements of paragraphs A to E.

After the effective date of this Act, all those holding State of Maine stationary steam engineers' licenses shall be allowed to renew their licenses without further examination and, upon application, the board shall convert a currently valid State of Maine fireman's license to a boiler operator's license.

F. Any person who within 5 years prior to the effective date of this Act was employed as an engineer or boiler operator may, upon application and payment of a renewal fee, be issued a license in the highest grade in which he was employed within said 5-year period. Application for such license without examination must be made within 2 years of the effective date of this Act, except that a person in the military service of the United States on the effective date of this Act shall be given 5 years from the effective date of this Act to make application without examination. 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.

2. Definitions. As used in this section, unless the context otherwise clearly indicates, the following words shall have the following meanings.

A. "Board" shall mean the Board of Boiler Rules.

B. "Capacity" shall mean the potential output of a steam boiler designated in pounds per hour of steam flow or its equivalent based on heating surface in the applicable chapter of the American Society of Mechanical Engineers Code.

C. "Committee" shall mean the examination committee as set forth in this section.

D. "Have charge of" shall 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.

E. "Operate" shall mean to control by observation and manipulation of mechanical or automatic and remote controls equipment in connection with a plant, but shall not include persons who "have charge of" the plant.

F. "Plant" shall mean a heating plant or a power plant or a process plant.

G. "#/HR" shall mean pounds of steam per hour output or equivalent.

H. "psi" shall mean pounds per square inch.

3. Issuance of license. The board shall issue a license to an applicant in such grade as the committee shall certify to the board that the applicant has satisfactorily met the examination and other requirements of this section.

A. Licenses shall be valid for 3 years from the date of issuance, shall designate the name of the holder, the license number, the grade of license, the issuing date and the expiration date. Any license issued under this section shall be automatically renewable upon payment of the renewal fee as set forth in this section. A renewal application must be made within 2 years of the expiration of the license, but if made after the expiration of the license, an additional fee shall be charged as set forth in this section.

E. The license certificate so issued shall be displayed in plain view in the plant where the licensee is employed.

C. The committee shall certify to the board as eligible for a license any applicant who holds a current stationary steam engineering license issued to him by the proper authority of any state, territory or possession of the United States, the District of Columbia or Canada which has requirements equal to those of this State and recognizes the license issued by this State without further examination. The committee shall certify to the board as eligible for a license any applicant who holds a current Canadian marine or United States Coast Guard marine engineer's license and who has worked as a boiler engineer or operator 3 of the last 5 years prior to application. The burden of proving those matters necessary for a license based on reciprocity shall be on the applicant.

4. Denial or revocation of license. Notwithstanding any other provision of this section, the board shall have the power to revoke the registration of a stationary steam engineer's or boiler operator's license or to deny the application for such license by an applicant if the board finds:

A. The licensee or applicant guilty of fraud or misrepresentation in the license application;

B. The licensee or applicant operating or being in charge of a plant while under the influence of intoxicating beverages or narcotic drugs, and revocation for this cause shall not exceed 90 days;

C. The licensee or applicant suffers from physical or mental incapacity of such nature as would jeopardize physical property or lives in the exercise of his license;

D. There is proven against the licensee or applicant evidence as to gross incompetence or gross negligence in the exercise of his license;

E. The licensee or applicant has operated or has had charge of a plant over which he lacked authority.

5. Examining committee. The committee shall be appointed by the board and shall consist of 5 members, one of whom shall be a member of the board, one of whom shall be an authorized boiler inspector employed by an insurance carrier licensed to do business in this State, one of whom shall be appointed

from the public at large and who shall be knowledgeable in matters dealing with plant operation, one of whom shall have charge of plants and one of whom shall be an operator of plants. The secretary of the committee shall be the chief boiler inspector or his duly appointed designee. The members shall be appointed for a term of 5 years and until their successors are appointed and duly qualified, except that the initial term for the boiler inspector member shall be one year, for the member representative of the public at large shall be 2 years, for one of the members having charge of a plant shall be 3 years and for the other member who shall be an operator of a plant shall be 4 years. The initial term for the board member of the committee shall be 5 years. The term of the board member of the committee shall terminate when that member ceases to be a member of the board.

6. Examinations. The committee shall cause to be conducted all examinations required under this section and shall certify qualifying applicants to the board for issuance of licenses.

A. Examination shall be given to the applicants based on the Maine Boiler Code and the American Society of Mechanical Engineers, Boiler and Pressure Vessel Code and standard engineering practices.

B. Examinations shall be administered at least quarterly and at such times and places as the committee believes are suited to reach the maximum number of applicants.

C. Applications for licenses and renewals shall be made on forms furnished by the committee and shall include a sworn statement by the applicant of his qualifications as to all matters pertinent for application under this section.

7. Class of license. There shall be 2 grades of boiler operator's license and 4 classes of engineering licenses as follows.

A. The holder of a low pressure heating boiler operator's license may operate a heating plant covered by these statutes with steam boilers not exceeding 15 psi or hot water and hot water supply boilers not exceeding 160 psi or 250 degrees Fahrenheit, or both.

B. The holder of a boiler operator's license may operate or have charge of a heating plant having a capacity of not more than 20,000 #/HR or operate a plant up to the capacity of the license of the engineer in charge of the plant in which he is employed. The applicant for a boiler operator's license shall have 6 months' operating experience prior to examination under a permit. The board shall issue a permit for the purpose of gaining such experience. Such permit shall be limited to a specified plant and shall be limited to one year.

C. The holder of a 4th-class engineer's license may have charge of a plant of not more than 50,000 #/HR or operate a plant up to the capacity of the license of the engineer in charge of the plant in which he is employed. Applicants for a 4th-class engineer's license shall be high school graduates or have had equivalent education and shall have at least one year of operating experience under a duly licensed engineer having charge of a plant.

D. The holder of a 3rd-class engineer's license may have charge of a plant of not more than 100,000 #/HR or operate a plant up to the capacity of the license of the engineer in charge of the plant in which he is employed. Applicants for a 3rd-class engineer's license shall have had at least one year operating experience as a 4th-class engineer.

E. The holder of a 2nd-class engineer's license may have charge of a plant of not more than 200,000 #/HR or operate a plant up to the capacity of the license of the engineer in charge of the plant in which he is employed. Applicants for a 2nd-class engineer's license shall have had at least 2 years operating experience as a 3rd-class engineer.

F. The holder of a first-class engineer's license may operate or have charge of a plant of unlimited steam capacity. Applicants for a first-class engineer's license shall have had at least 2 years operating experience as a 2nd-class engineer.

G. One year of schooling in the field of boiler operation in a school approved by the board shall be equivalent to 6 months of operating experience.

H. In the event of a lack of qualified personnel in the plant in which the applicant is employed, the committee may waive the operating experience requirements of the applicant for examination for the next higher grade of license and any such license issued shall be limited to that plant.

8. Rules. The board shall have the authority to establish all necessary rules and procedures for examination and licensing to carry out this section.

9. Fees. The fees charged for licenses issued pursuant to this section shall be as follows:

A. License fee for stationary steam engineers \$20 and renewal fee \$15;

B. License fee for boiler operators \$15 and renewal fee \$10;

C. The board may charge a late fee of up to \$10 on all renewals for which it receives a renewal application up to 2 years after the expiration of the license under such rules as the board may adopt.

10. Appeal. Any person aggrieved by any order or action of the board or committee shall have the right of review and appeal set forth in section 7.

11. Committee expenses. Committee members shall be paid for all expenses incurred in the performance of their duties under this section but shall receive no other remuneration.

Sec. 2. R. S., T. 26, § 143, amended. Section 143 of Title 26 of the Revised Statutes is amended to read as follows:

§ 143. Penalties

Whoever violates any provision of sections 178, 211, 216 and 217 shall be punished by a fine of not more than \$50 or by imprisonment for not more than 90 days, or by both.

Sec. 3. R. S., T. 30, §§ 3201-3209, repealed. Sections 3201 to 3209 of Title 30 of the Revised Statutes, as amended, are repealed.

Sec. 4. Appropriation. There is appropriated from the General Fund to the Bureau of Labor and Industry the sum of \$2,800. The breakdown shall be as follows:

	1973-74	1974-75
LABOR AND INDUSTRY, BUREAU OF		
All Other	\$1,200	\$1,600

FISCAL NOTE

This bill will increase undedicated revenue in the General Fund \$5,622 for the fiscal year ending June 30, 1974 and \$7,500 for fiscal year ending June 30, 1975.