

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)

New Draft of: S. P. 715, L. D. 2127
(EMERGENCY)
FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2421

S. P. 870

In Senate, January 23, 1974

Reported by Senator Roberts of York from Committee on Legal Affairs
and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

**AN ACT Relating to Exemption of Certain Plants under Oil Burner Men's
Licensing Law.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, by chapter 384 of the public laws of 1973 which became effective October 3, 1973, the exemption previously granted to those maintaining and operating oil burner installations in or about industrial or manufacturing plants, electrical or generating plants, or other plants operated by a public utility was repealed and replaced by a provision requiring the person performing the maintenance and operation of an oil burner to hold an engineer's license and to have been examined under the provisions of Title 26, section 178; and

Whereas, many performing such maintenance and operation of oil burner installations in or about industrial and manufacturing plants, electrical or generating plants or other plants operated by a public utility do not currently hold engineers' licenses pursuant to Title 26, section 178; and

Whereas, a current problem would be created for the people of the State of Maine if those who so operate and maintain oil burners in such plants were required to be so licensed and at the present time those so operating and maintaining such plants are doing so in violation of the law in order that the plants continue to be maintained and operated; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., T. 26, § 142, amended. The first paragraph of section 142 of Title 26 of the Revised Statutes, as amended by chapter 55 of the public laws of 1971 and by section 2 of chapter 452 of the public laws of 1973, is further amended to read as follows:

This subchapter shall not apply to boilers which are under federal control ~~or to boilers of companies under the jurisdiction of the Public Utilities Commission or the United States Atomic Energy Commission~~; or to boilers used solely for propelling motor road vehicles; or to boilers of steam fire engines brought into the State for temporary use in times of emergency to check conflagrations; or to boilers used for agricultural purposes only; or to steam heating boilers, except boilers located in schoolhouses or boilers owned by municipalities, which carry pressures not exceeding 15 pounds per square inch, constructed and installed in accordance with the rules adopted by the Board of Boiler Rules; or to miniature boilers exempt by section 245.

Sec. 2. R. S., T. 26, § 178, sub-§ 1, ¶ E, amended. The 2nd paragraph of paragraph E of subsection 1 of section 178 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 452 of the public laws of 1973, is amended to read as follows:

Those persons operating boilers exempted under section 142 and those persons employed by companies under the jurisdiction of the Public Utilities Commission or the United States Atomic Energy Commission shall be exempt from the licensing requirements of paragraphs A to E.

Sec. 3. R. S., T. 32, § 2302, sub-§ 3, repealed and replaced. Subsection 3 of section 2302 of Title 32 of the Revised Statutes, as last repealed and replaced by chapter 384 of the public laws of 1973, is repealed and the following enacted in place thereof:

3. Plants. A person either holding an engineer's license issued under Title 26, section 178 or working under the general supervision of one so licensed while performing such oil burner repair and maintenance as is necessary in the steam or heating plant where he is employed, provided such work is performed in compliance with section 2303; or a person employed by companies under the jurisdiction of the Public Utilities Commission or the United States Atomic Energy Commission whose facilities are subject to inspection under Title 26, subchapter II, Article 4; or a person operating an oil burning water tube boiler with outputs of 20,000 pounds of steam per hour capacities and above.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this bill is reflected in the emergency preamble. In addition, the conventional boilers of those companies under the jurisdiction of the Public Utilities Commission and the United States Atomic Energy Commission will be constructed, installed, inspected and certified in full compliance with the boiler law and the Boiler Rules of Maine. However, because of their unique job classification and organization system and the licensing of operating personnel already required by the Atomic Energy Commission, it is appropriate that those companies be exempt from the personnel licensing provisions of Title 32, section 2302 and Title 26, section 178.