

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

H. P. No. 610

H. D. No. 144

House of Representatives, Feb. 13, 1925.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Lamson of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-FIVE

AN ACT to Create a Board of Boiler Rules Which Shall Formulate Rules and Regulations for the Safe Construction and Use of Steam Boilers; to Provide for the Enforcement of the Rules and Regulations of the Board of Boiler Rules; to Provide for the Inspection of Steam Boilers and the Fees to be Charged Therefor; to Provide for a Bureau of Boiler Inspection to Carry Out the Provisions of This Act and to Provide a Penalty for the Violation of the Provisions of This Act.

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

Section 1. Be it enacted by the General Assembly of the
2 State of Maine, that there be, and there is hereby, created

3 the State of Maine Board of Boiler Rules, consisting of
4 five members of whom four shall be appointed to the board
5 by the Governor, one for a term of one year, one for a
6 term of two years, one for a term of three years and one
7 for a term of four years. At the expiration of their re-
8 spective terms of office their successors shall be appointed
9 for terms of four years each. Upon the death or inca-
10 pacity of any member the Governor shall fill the vacancy
11 for the remainder of the term with a representative of the
12 same class. Of these said four members appointed, one
13 shall be a representative of the owners and users of steam
14 boilers within the State of Maine, one a representative of
15 the boiler manufacturers within the State of Maine, one
16 a representative of a boiler inspection and insurance com-
17 pany licensed to do business within the State of Maine and
18 one an operating steam engineer in the State of Maine.
19 The fifth member shall be the chief boiler inspector, whose
20 appointment is hereinafter provided for, who shall be chair-
21 man of the board. The board shall meet at least twice
22 yearly at the state capitol or other place designated by the
23 board. The board shall formulate rules and regulations for
24 the safe and proper construction, installation and use of
25 steam boilers in this state. The rules and regulations so
26 formulated shall conform as nearly as possible to the boiler
27 code of the American Society of Mechanical Engineers.

. Sect. 2. Be it further enacted that the rules formulated
2 by the board of boiler rules shall become effective upon the

3 approval by the Governor, except that rules applying to
4 the construction of new boilers shall not become effective
5 to prevent the installation of such new boilers until six
6 months after approval by the Governor. Changes in the
7 boiler rules which would raise the standard governing the
8 methods of construction of new boilers or the quality of
9 material used in them shall not become effective until six
10 months after approval of the Governor.

Sect. 3. Be it further enacted that the sum of one thou-
2 sand dollars (\$1000.00) is hereby appropriated for the
3 printing and distribution of the rules promulgated by the
4 board of boiler rules and to cover expenses incidental to
5 the preparation thereof. The members of the board of
6 boiler rules, exclusive of the chairman thereof, shall each
7 receive ten dollars (\$10.00) per day for their services when
8 in actual attendance at meetings of the board, for not to
9 exceed twenty days in one year, and in addition thereto
10 their actual expenses, not to exceed their actual railroad
11 fares plus seven dollars and fifty cents (\$7.50) per day
12 each, for not to exceed twenty days in one year, to be paid
13 in the same manner as in the case of other state officers.
14 The chairman of the board of boiler rules shall counter-
15 sign all vouchers for expenditures under this section.

Sect. 4. Be it further enacted that this act shall not be
2 construed as in any way preventing the use or sale of boilers
3 in this state which have been installed or in use in this state
4 prior to the taking effect of the act and which shall have

5 been made to conform to the rules and regulations of the
6 board of boiler rules governing existing installations as pro-
7 vided in section thirteen of this act.

Sect. 5. Be it further enacted that there be, and there is
2 hereby, created the bureau of boiler inspection, which shall
3 be a division of the department of labor and industry, which
4 department shall provide at the state capitol office room and
5 office equipment for the said bureau.

Sect. 6. Be it further enacted that within ninety days
2 after the passage of this act and at any time thereafter
3 that the office may become vacant, the Governor shall ap-
4 point, and may remove for cause when so appointed, a citi-
5 zen of this state who shall have had, at the time of such
6 appointment, at least ten years' practical experience with
7 steam boilers as steam engineer, boiler maker or boiler in-
8 spector, to be chief inspector of the bureau of boiler in-
9 spection for a term of four years or until his successor shall
10 have been appointed, at an annual salary of two thousand
11 dollars, who with the deputy inspectors and office employees
12 herein provided for, shall constitute the bureau of boiler
13 inspection.

Sect. 7. Be it further enacted that this act shall not apply
2 to boilers in marine or railroad service which are under the
3 inspection regulations of the United States government or
4 to boilers used solely for propelling road vehicles; or to
5 boilers of steam fire engines brought into the state for tem-
6 porary use in time of emergency to check conflagrations;

7 or to portable boilers used for agricultural purposes or for
8 pumping or drilling in the open field for water, gas, coal,
9 salt or oil; or to heating boilers in private residences or in
10 apartment houses occupied by not more than three families;
11 or to heating boilers carrying pressures not exceeding fif-
12 teen pounds per square inch.

Sect. 8. Be it further enacted that the chief inspector of
2 the bureau of boiler inspection be, and he is hereby, charged,
3 directed and empowered:

To employ, subject to the approval of the commissioner
2 of labor and industry, two deputy inspectors of boilers, who
3 have passed the examination provided for in section ten
4 (10) of this act, at salaries of, not to exceed thirteen hun-
5 dred dollars per annum each, and to employ office help at
6 an aggregate expense not to exceed two thousand dollars
7 per annum, and to appoint the examiners provided for in
8 section ten.

To have free access for himself and his said deputies to
2 any premises in the state where a boiler is built or where
3 a boiler or power plant apparatus is being installed or op-
4 erated, for the purpose of ascertaining whether such boiler
5 or apparatus is built, installed and operated in accordance
6 with the provisions of this act.

To prosecute all violators of the provisions of this act.

To issue and revoke permits allowing boilers to be oper-
2 ated, as provided in this act.

To draw upon the treasurer for funds necessary to meet

2 the expenses authorized by this act, which, in addition to
3 the salaries specified in sections six and eight hereof, shall
4 include the necessary traveling expenses of the chief in-
5 spector and his said deputies and the expenses incident to
6 the maintenance of the office of the bureau.

To enforce the laws of the state governing the use of
2 steam boilers and to enforce the rules and regulations of
3 the board of boiler rules.

To prescribe and enforce rules and regulations for the
2 conduct of the bureau of boiler inspection.

To keep a complete record of the type, dimensions, age,
2 condition, pressure allowed upon, location of, and date of
3 last inspection of all boilers to which this act applies.

Sect. 9. Be it further enacted that in addition to the
2 deputy boiler inspectors authorized by section eight of this
3 act, the chief inspector of the bureau of boiler inspection
4 shall upon the request of any company authorized to in-
5 sure boilers in this state, issue to any boiler inspectors of
6 said company commissions as special inspectors of the bu-
7 reau of boiler inspection, provided that each such inspector
8 before receiving his commission shall pass satisfactorily the
9 examination provided for in section ten of this act; but
10 such special inspectors shall receive no salary, from, nor
11 shall any of their expenses be paid by the state, and the
12 continuance of a special inspector's commission shall be
13 conditioned upon his continuing in the employ of a boiler
14 inspection and insurance company duly authorized as afore-

15 said and upon his maintenance of the standards imposed
16 by this act. Such special inspectors shall inspect all boilers
17 insured by their respective companies; and such insured
18 boilers shall be exempt from all inspection other than that
19 of the respective insurance companies' inspectors. Each
20 company employing such special inspectors shall within
21 thirty days following each annual internal inspection made
22 by such inspectors file a copy of the report and date of
23 such inspection with the chief inspector of the bureau of
24 boiler inspection.

Sect. 10. Be it further enacted that examinations for dep-
2 uty or special inspectors shall be given by at least two
3 examiners to be appointed by the chief inspector and must
4 be written and must be confined to questions, answers to
5 which will aid in determining the fitness and competency
6 of the applicant for the intended service, and must be of
7 uniform grade throughout the state. In case an applicant
8 for an inspector's appointment or commission fails to pass
9 this examination, the applicant may appeal to the chief
10 inspector, who shall forthwith appoint two examiners (other
11 than the original examiners) who shall give him another
12 such examination; and upon the findings of these exam-
13 iners on appeal, the chief inspector shall determine whether
14 the applicant is qualified. The record of the appeal exam-
15 ination shall be accessible to the applicant and to his em-
16 ployer. An applicant for special inspector's commission
17 whose application has been refused, or whose commission

18 has been revoked by the chief inspector, may appeal to the
19 board of boiler rules and if upon further examination of
20 the applicant or his papers it shall be found that the refusal
21 or revocation is unwarranted or not required by a reason-
22 able regard for public safety and the carrying out of the
23 provisions of this act, the board of boiler rules may pass
24 the applicant and grant the commission or order the com-
25 mission to continue and it shall be recognized as valid by
26 the bureau of boiler inspection.

Sect. 11. Be it further enacted that on and after
2 each boiler used or proposed to be used within this state
3 except boilers exempt under section seven of this act, shall
4 be thoroughly inspected internally and externally while not
5 under pressure by the chief inspector of the bureau of
6 boiler inspection or by one of the deputy inspectors or
7 special inspectors provided for herein, as to its design, con-
8 struction, installation, condition and operation; and if it
9 is found to be suitable and to conform to the rules and
10 regulations of the board of boiler rules, the inspector shall
11 issue to the owner or user thereof a permit to operate such
12 boiler, specifying the maximum pressure which it may be
13 allowed to carry. Such permit shall be valid for not more
14 than fourteen months from its date. It shall be posted
15 under glass in the boiler or engine room containing such
16 boiler or an engine operated by it or, in the case of a port-
17 able boiler, in the office of the plant where it may be lo-
18 cated at the time. The chief inspector or any deputy in-

19 spector may at any time declare such permit invalid when
20 in his opinion the boiler may not continue to be operated
21 without menace to the public safety, or when the boiler is
22 found not to comply with the rules herein provided for;
23 and a special inspector shall have corresponding powers
24 with respect to permits for boilers insured by the company
25 employing him. Not more than fourteen months shall
26 elapse between such inspections and there shall be at least
27 four such inspections in thirty-seven consecutive months.
28 Each such boiler shall also be inspected externally while
29 under pressure with at least the same frequency and at not
30 greater intervals.

In any city in this state which now has a boiler inspection
2 department with rules and regulations governing the con-
3 struction, installation and use of steam boilers substantially
4 equal to those provided by the state board of boiler rules
5 and whose inspectors have qualifications at least equal to
6 those required for the deputy and special boiler inspectors
7 provided for in this act, it shall be a sufficient inspection
8 under the provisions of this section if the boiler inspection
9 department of such a city shall furnish the state chief boiler
10 inspector with a report showing to his satisfaction that said
11 boiler has been inspected by the city boiler inspection de-
12 partment in accordance with the provisions of this section
13 and has been found suitable and to conform to the rules
14 and regulations of the state board of boiler rules. When
15 he has approved such report the state chief boiler inspector

16 shall issue the permit herein provided for upon the receipt
17 of one dollar for each permit so issued. Said permit shall
18 be posted as herein provided and may be declared invalid by
19 said chief inspector or by said city boiler inspection depart-
20 ment at any time when said chief inspector or said depart-
21 ment shall find that the boiler for which it is issued may
22 not continue to be operated without menace to the public
23 safety or when the boiler is found not to comply with the
24 rules herein provided for.

Sect. 12. Be it further enacted that on and after
2 it shall be unlawful for any person, firm, partnership or
3 corporation to operate under pressure in this state a boiler
4 to which this act applies without a valid permit provided
5 for in this act. The operation of a boiler without a permit
6 as above specified, or at a pressure exceeding that specified
7 in such permit shall be considered a misdemeanor on the
8 part of the owner, user or operator thereof, and be punish-
9 able by a fine not exceeding three hundred dollars or im-
10 prisonment not to exceed ninety days, or both at the dis-
11 cretion of the court.

Sect. 13. Be it further enacted that no boiler which does
2 not conform to the rules and regulations of the state board
3 of boiler rules governing new installations shall be installed
4 in this state after six months from the date upon which the
5 said rules and regulations shall become effective by the
6 approval of the Governor, all boilers installed and ready for
7 use, or being used, before the said six months shall have

8 elapsed shall be made to conform to the rules and regu-
9 lations of the board of boiler rules governing existing in-
10 stallations and the formula therein prescribed shall be used
11 in determining the maximum allowable working pressure for
12 these boilers.

All boilers to be installed after six months from the date
2 upon which the rules and regulations of the board of boiler
3 rules shall become effective by the approval of the Gov-
4 ernor shall be inspected during construction by an inspector
5 authorized to inspect boilers in this state, or if constructed
6 outside the state, by an inspector holding a certificate of
7 authority from the chief inspector of the bureau of boiler
8 inspection of this state, which certificate shall be issued by
9 the said chief inspector to any inspector who holds a cer-
10 tificate of authority to inspect steam boilers issued by a
11 state which shall have adopted boiler rules that require
12 standards of construction and operation substantially equal
13 to those of this state.

Sect. 14. Be it further enacted that the owner or user of
2 a boiler subject to inspection by the chief boiler inspector,
3 or his deputy inspectors, shall pay to the inspector ten dol-
4 lars for each boiler internally inspected and five dollars for
5 each boiler externally inspected while under pressure, pro-
6 vided that not more than fifteen dollars shall be collected
7 for such inspections of any one boiler made for any one
8 year. The inspector shall give receipts for said fees and

9 shall pay all sums so received to the chief boiler inspector
10 who shall pay the same to the treasurer of the state.

Sect. 15. Be it further enacted that the chief inspector
2 of the bureau of boiler inspection shall furnish a bond in
3 the sum of five thousand dollars and each of the deputy
4 inspectors shall furnish a bond in the sum of two thousand
5 dollars conditioned upon the faithful performance of their
6 duties and upon a true account of all moneys handled by
7 them respectively and the payment thereof to the proper
8 recipient.

Sect. 16. Be it further enacted, that all acts and parts of
2 acts inconsistent with any provisions of this act are hereby
3 repealed to the extent of such inconsistency.

Sect. 17. Be it further enacted, that this act shall take
2 effect from and after its passage, the public welfare re-
3 quiring it.