

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY - THIRD LEGISLATURE

Senate Document

No. 343

S. P. 552

In Senate, April 4, 1927.

Reported by Messrs. Maher, Oakes, Dudley of Calais, Patterson of Castine, Wing, from Committee on Judiciary and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

STATE OF MAINE

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

AN ACT to provide for the safety of life and property and to create a Board of Boiler Rules which shall formulate rules and regulations for the safe construction, use and operation 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; 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. There is hereby created within the department
2 of labor and industry of the state of Maine, a bureau of
3 boiler inspection. The commissioner of labor shall be the

4 chief of said bureau without additional compensation. It
5 shall be the duty of this bureau to enforce the provisions
6 of this act and the rules and regulations promulgated by
7 the board of boiler rules, hereinafter created and empow-
8 ered.

Sect. 2. There is hereby created the Maine board of boiler
2 rules consisting of five members of whom four shall be
3 appointed to the board by the governor, who shall serve
4 without pay, except that they shall receive their actual ex-
5 penses while attending meetings of the board, one for a
6 term of one year, one for a term of two years, one for a
7 term of three years and one for a term of four years. At
8 the expiration of their respective terms of office their suc-
9 cessors shall be appointed for terms of four years each.
10 Upon the death or incapacity of any member the governor
11 shall fill the vacancy for the remainder of the term with
12 a representative of the same class. Of these said four ap-
13 pointed members, one shall be a representative of the own-
14 ers and users of steam boilers within the state of Maine,
15 one a representative of the boiler manufacturers within the
16 state of Maine, one a representative of a boiler inspection
17 and insurance company licensed to do business within the
18 state of Maine and one a representative of the operating
19 steam engineers in the state of Maine. The fifth member
20 shall be the commissioner of labor, who shall be chairman
21 of the board. The board shall meet at the call of the chair-
22 man. The board shall formulate rules and regulations for

23 the safe and proper construction, installation, use and oper-
24 ation of steam boilers in this state. The rules and regu-
25 lations so formulated shall conform as nearly as practicable
26 to the boiler code of the American Society of Mechanical
27 Engineers and amendments thereto made by said society,
28 and shall become effective sixty days from the day they are
29 issued.

Sect. 3. To accomplish and carry out the provisions and
2 purposes of this act, the commissioner of labor is author-
3 ized and directed to appoint, subject to the approval of the
4 governor and council, a boiler inspector. Such inspector
5 shall before his appointment submit to the commissioner
6 evidence that he has passed the examination for boiler in-
7 spectors equivalent to that required by the American Soci-
8 ety of Mechanical Engineers. Such examination may be
9 given by the board of boiler rules who shall issue to suc-
10 cessful applicants a certificate of competency. The boiler
11 inspector shall receive as compensation such amount as the
12 governor and council shall determine upon and in addition
13 thereto his actual expenses while engaged in his official
14 duties shall be paid by the state. He shall file a report of
15 each inspection made with the chief of the bureau.

Sect. 4. In addition to the boiler inspector authorized by
2 this act, the commissioner of labor shall, upon the request
3 of any company authorized to insure boilers in this state,
4 issue to any boiler inspectors of such company commissions
5 as special inspectors, provided that each such inspector be-

6 fore receiving his commission shall pass satisfactorily the
7 examination provided for in this act or, in lieu of such ex-
8 amination, shall hold a certificate of competency as an in-
9 spector of steam boilers for a state that has a standard of
10 examination equal to that of the state of Maine. Such spe-
11 cial inspectors shall receive no salary from, nor shall any
12 of their expenses be paid by the state. Such special in-
13 spectors shall inspect all steam boilers insured by their re-
14 spective companies, and the owners of such insured boilers
15 shall be exempt from the payment of the fees hereinafter
16 provided for. Each company employing such special in-
17 spectors shall within thirty days following each annual in-
18 ternal and external inspection made by such inspectors file
19 a report of such inspection with the commissioner of labor.
20 Upon the cancellation by an insurance company of its policy
21 covering a boiler included in the provisions of this act,
22 immediate notice of such cancellation shall be filed with the
23 commissioner of labor and thereupon the bureau of boiler
24 inspection of the department of labor shall have full juris-
25 diction.

Sect. 5. This act shall not apply to boilers in marine or
2 railroad service which are under the inspection regulations
3 of the United States government; or to boilers used solely
4 for propelling motor vehicles; or to boilers of steam fire
5 engines brought into the state for temporary use in times
6 of emergency to check conflagration; or to portable boilers
7 used for agricultural purposes only; or to low pressure boil-

8 ers which carry pressures not exceeding fifteen pounds per
9 square inch, other than those located in public buildings.
10 The words "public buildings" as used herein shall be held
11 to mean all buildings owned or controlled by any municipal-
12 ity; all hotels, churches, theaters, mercantile and manufac-
13 turing establishments, office buildings and hotels; and any
14 buildings having a single control steam heating plant and
15 in which building more than four families reside; all build-
16 ings which constitute or contain the meeting place of any
17 club, lodge or association of persons.

Sect. 6. The commissioner of labor is hereby directed and
2 empowered to have free access for himself, the state boiler
3 inspector and special boiler inspectors herein provided for
4 during reasonable hours to any premises in the state where
5 a steam boiler is built or where a steam boiler or power
6 plant apparatus is being installed and operated, for the pur-
7 pose of ascertaining whether such boiler or apparatus is
8 built, installed or operated in accordance with the provisions
9 of this act. The state boiler inspector shall have no juris-
10 diction over a boiler insured by any company authorized to
11 sell boiler insurance in the state of Maine.

To issue and suspend inspection certificates allowing steam
2 boilers to be operated as provided in this act.

To prosecute all violators of the provisions of this act.
2 This power may be delegated to the state boiler inspector
3 or to any accredited representative of the department of
4 labor and industry.

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

To publish and distribute among boiler manufacturers and others requesting them, at cost, copies of the rules and regulations adopted by the board of boiler rules.

Sect. 7. In the performance of his duties the state boiler inspector is authorized to condemn any boiler within his jurisdiction, the further operation of which is in his judgment unsafe, and shall give to the person, firm or corporation operating such boiler a notice that after date such boiler must not be operated within the state of Maine. Each boiler so condemned shall be stamped "CONDEMNED, STATE OF MAINE" and any person who thereafter uses, buys or sells such condemned boiler for steam generating purposes except in compliance with section five of this act, shall be deemed guilty of violation of the provisions of this act. Steam boilers within the meaning of this act shall include all vessels used for steam generating except those exempted under section five. Any boiler inspector licensed by the commissioner of labor in accordance with the provisions of this act may temporarily suspend the operation of any boiler until such time as repairs or replacements, which he deems necessary and of which he has given reasonable or sufficient notice to the operator or owner, have been made, and the right on the part of the commissioner of labor to apply for restraining orders, or injunctive remedy is hereby expressly conferred.

Sect. 8. Upon inspection of any boiler included in the provisions of this act by the state boiler inspector or any special boiler inspector herein provided for, if said boiler shall be found to be suitable and to conform to the rules and regulations of the board of boiler rules as to its power, construction, installation, condition and operation, the inspector shall issue to the owner or user thereof an inspection certificate specifying the maximum pressure which it may be allowed to carry. Such inspection certificate shall be valid for not more than sixteen months from the date of inspection and it shall be posted under glass in the engine or boiler room containing such boiler or an engine operated by it, or in the case of a portable boiler, in the office of the plant where it is located for the time being. No inspection certificate issued by a special inspector shall be valid for more than six months after the boiler for which it was issued shall cease to be insured by the insurance company by which the inspection was made. The state boiler inspector or any special inspector licensed under this act may at any time suspend an inspection certificate when in his opinion the boiler for which it was issued may not continue to be operated without menace to the public safety, or when the boiler is found not to comply with the rules herein provided for. The operation of any boiler to which this act applies, without an inspection certificate as above specified, or at a pressure exceeding that specified in such inspection certificate, shall constitute a violation of the provisions

28 of this act on the part of the owner, user or operator thereof.

Sect. 9. On or before January one, nineteen hundred
2 twenty-eight, and thereafter, every owner or user of a steam
3 boiler included in the provisions of this act, that is in use
4 or is to be used for power or heating purposes shall register
5 such boiler in the department of labor and industry upon
6 a blank furnished for that purpose. Whoever violates the
7 provisions of this section shall be punished by a fine of not
8 less than ten dollars.

Sect. 10. On or before July one, nineteen hundred twenty-
2 eight, there shall be on file in the department of labor and
3 industry a duplicate certificate of inspection showing that
4 each boiler in the state included in the provisions of this
5 act and which is in use or is to be used for power or heating
6 purposes has been inspected within one year in accordance
7 with the provisions of this act, and the rules and regulations
8 of the Maine board of boiler rules. Such inspection shall
9 have been made by the state boiler inspector or by some
10 person authorized by the commissioner of labor to inspect
11 boilers in the state of Maine in accordance with this act.
12 After this act becomes effective each boiler included in the
13 provisions of this act shall receive one internal, and one
14 external inspection while under pressure, each year.

Sect. 11. If such inspections are made by the state boiler
2 inspector, the owner or user of such boiler, shall pay to the
3 inspector at the time of the inspection ten dollars for each
4 internal and five dollars for each external inspection. The

5 inspector shall give a receipt for all fees collected, one copy
6 of which shall be filed with the commissioner of labor and
7 one copy with the state treasurer. All fees collected by the
8 state boiler inspector shall be paid by him to the commis-
9 sioner of labor who shall turn the same over to the state
10 treasurer. The boiler inspector shall furnish a bond in the
11 sum of five hundred dollars, conditioned upon the faithful
12 performance of his duties, and upon the true account of
13 all moneys handled by him and the payment thereof to the
14 proper recipient, the cost of said bond shall be paid by the
15 state out of the appropriation hereinafter provided for.

Sect. 12. After January one, nineteen hundred twenty-
2 eight, no steam boiler of the type and for the uses covered
3 by this act shall be brought into the state of Maine or there
4 installed or operated unless such boiler conforms to the
5 standards and specifications of the code of boiler rules of
6 the American Society of Mechanical Engineers.

Sect. 13. This act shall not be construed as in any way
2 preventing the sale or use of steam boilers in this state
3 which shall have been installed or in use prior to the taking
4 effect of this act, and which shall have been made to con-
5 form to the rules and regulations of the board of boiler
6 rules governing said installation.

Sect. 14. Any person, firm or corporation owning or oper-
2 ating a steam boiler in this state who shall violate any of
3 the provisions of this act or the orders, rules or regulations
4 of the board of boiler rules shall upon conviction thereof,

5 be punished by a fine of not less than one hundred dollars
6 or more than five hundred dollars or by imprisonment not
7 to exceed three months, or by both fine and imprisonment.
8 The penalties provided in this section shall not apply to
9 persons violating the provisions of section nine of this act.

Sect. 15. There is hereby appropriated the sum of six
2 thousand dollars for the fiscal year nineteen hundred twen-
3 ty-eight, and six thousand dollars for the fiscal year nine-
4 teen hundred twenty-nine, from which shall be paid the sal-
5 ary and expenses of the state boiler inspector, the expenses
6 of the board of boiler rules, the salary of all clerical help
7 and all bills for office supplies, postage, telephone, telegraph
8 and printing necessary in carrying out the provisions of this
9 act. The commissioner of labor shall countersign all vouch-
10 ers for salaries and expenditures under this section.