

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 22

H. P. 66

House of Representatives, January 10, 1935.

Referred to Committee on Legal Affairs, sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Chase of Baring.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT Relating to the Use of Steam Boilers.

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

Sec. 1. Board of appeals created. There is hereby created the board of appeals consisting of 5 members of whom 4 shall be appointed to the board by the commissioner of labor and industry, subject to the approval of the governor and council, 1 for a term of 1 year, 1 for a term of 2 years, 1 for a term of 3 years and 1 for a term of 4 years, to hold office until their respective successors have been duly appointed and qualified. At the expiration of their respective terms of office their successors shall likewise be appointed for terms of 4 years each. In the event of a vacancy by reason of any of said 4 appointed members, or otherwise, the commissioner of labor and industry shall fill such vacancy for the remainder of the term with a representative of the same class. Of these said 4 appointed members, one shall be a representative of the owners and users of steam boilers within the state of Maine, 1 a representative of the boiler manufacturers within the state of Maine, 1 a representative of the operating steam engineers in the state of Maine, and 1 a representative of a boiler inspection and insurance company licensed to do business within the state of Maine. The 5th member shall be the commissioner of labor and industry, who shall be chairman of the board. The board shall meet at least twice yearly at the state capitol or other place designated by the board.

Sec. 2. To serve without salary; expenses allowed. The 4 appointed members of the board of appeals, shall serve without salary, and shall receive their actual expenses not to exceed their actual railroad fares and hotel bills, for not to exceed 20 days in any year while in the performance of their duties as members of the board, to be paid in the same manner as in the case of other state officers. The chairman of the board of appeals shall countersign all vouchers for expenditures under this section.

Sec. 3. Rules and regulations. The board shall formulate rules for the safe and proper construction, installation, repair, use and operation of steam boilers 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.

Rules formulated by the board of appeals shall become effective 90 days after the date they are adopted, except that rules applying to the construction of new steam boilers shall not become effective to prevent the installation of such new steam boilers until 6 months after the passage of this act. Any change in the rules which would raise the standards governing the methods of construction of new steam boilers or the quality of material used in them shall not become effective until 6 months after the date of adoption of such change in the rules.

Sec. 4. Chief and deputy inspectors; how appointed. On or before 90 days after the passage of this act, and at any time thereafter that the office may become vacant, the commissioner of labor and industry shall appoint, with the approval of the governor and council, and may remove for cause when so appointed, a citizen of this state who shall have had, at the time of such appointment, not less than 5 years practical experience with steam boilers as a steam engineer, mechanical engineer, boiler maker or boiler inspector, and who has passed the same kind of an examination as that prescribed for deputy and special inspectors in section 7 of this act to be chief inspector.

The commissioner of labor and industry may likewise appoint such deputy inspectors as are necessary to carry out the provisions of the act from among applicants who have successfully passed the examination and hold certificates of competency provided for in section 60.

Sec. 5. Powers of chief inspector. The chief inspector is empowered:

(1) 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 plant apparatus is being installed or operated, for the purpose of ascertaining whether such boiler is built, installed and operated in accordance with the provisions of this act.

(2) to issue, suspend and revoke inspection certificates allowing steam boilers to be operated, as provided in this act.

(3) to enforce the laws of the state governing the use of steam boilers and to enforce the rules of the board of appeals.

(4) 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.

(5) to publish and distribute among boiler manufacturers and others requesting them, copies of the rules adopted by the board of appeals.

(6) to hold examinations, and issue certificates of competency to inspectors who have successfully passed such examinations.

Sec. 6. Special inspectors; how appointed; duties. In addition to any deputy boiler inspectors authorized and appointed under section 4 of this act, the commissioner of labor shall, upon the request of any company authorized to insure against loss from explosion of steam boilers in this state, issue to the boiler inspectors of such company certificates of authority as special inspectors, provided that each inspector before receiving his certificate of authority shall pass satisfactorily the examination provided for in section 7 of this act 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 equal to that of the state of Maine, or a certificate from the national board of boiler and pressure vessel inspectors. Such special inspectors shall receive no salary from, nor shall any of their expenses be paid by the state, and the continuance of a special inspector's certificate shall be conditioned upon his continuing in the employ of a boiler inspection and insurance company duly authorized as aforesaid, and upon his maintenance of the standard imposed by this act. Such special inspectors shall inspect all steam boilers insured by their respective companies, and the owners or users of such insured boilers shall be exempt from the payment of the fees provided for in section 11 of this act. Each company employing such special inspectors shall within 30 days following each annual internal inspection made by such inspectors, file a report of such inspection with the chief inspector.

Sec. 7. Deputy and special inspectors to be examined. Examination for deputy and special inspectors shall be given by the chief inspector, or by at least 2 examiners to be appointed by said chief inspector. The person

to be examined must pay an examination fee of \$5. Such examination must be written or part written and part oral recorded in writing and must be confined to questions the answers to which will aid in determining the fitness and competency of the applicant for the intended service and must be of uniform grade throughout the state. In case an applicant for an inspector's certificate of competency fails to pass this examination, he may appeal to the board of appeals for a 2nd examination, which shall be given by said board or, by examiners other than those by whom the 1st examination was given and these examiners shall be appointed forthwith to give said 2nd examination. Upon the result of this examination on appeal, the board shall determine whether the applicant be qualified. The record of an applicant's examination, whether original or on appeal, shall be accessible to him and to his employer.

A certificate of competency may be revoked by the chief inspector of steam boilers for the incompetence or untrustworthiness of the holder thereof or for wilful falsification of any matter or statement contained in his application or in a report of any inspection. A person whose certificate is revoked may appeal from the revocation to the board of appeals which shall hear the appeal and either set aside or affirm the revocation and its decision shall be final. The person whose certificate has been revoked shall be entitled to be present in person and by counsel on the hearing of the appeal. If a certificate is lost or destroyed a new certificate shall be issued in its place without another examination. A person who has failed to pass the examination or whose certificate of competency has been revoked, shall be entitled to apply for a new examination and certificate after 90 days from such failure or revocation.

Sec. 8. Inspection of boilers; certificates issued. After 90 days from the passage of this act each steam boiler used or proposed to be used within this state, except boilers exempt under section 13, of this act, shall be thoroughly inspected internally and externally while not under pressure by the chief inspector or by 1 of the deputy inspectors or special inspectors provided for herein, as to its design, construction, installation, condition and operation; and if it shall be found to be suitable and to conform to the rules of the board of appeals, upon payment by the owner or user of such a boiler of the sum of \$1 to the chief inspector, the latter shall issue to such owner or user an inspection certificate for each such boiler; and the owner or user of a miniature boiler required to be inspected shall pay to the chief inspector the sum of 25c for each inspection certificate issued. Inspection certificates shall specify the maximum pressure that the boiler inspected may be allowed to carry. Such inspection certificate shall be valid for not

more than 14 months from its date 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 portable boiler, in the office of the plant where it is located for the time being. No inspection certificate issued for a boiler inspected by a special inspector shall be valid after the boiler for which it was issued shall cease to be insured by an authorized insurance company. The chief inspector or any deputy inspector 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, and a special inspector shall have corresponding powers with respect to inspection certificates for boilers insured by the company employing him. Such suspension of an inspection certificate shall continue in effect until said boiler shall have been made to conform to the rules of the board of appeals and until said inspection certificate shall have been reinstated by a state inspector, if the inspection certificate was suspended by a state inspector, or by a special inspector if it was suspended by a special inspector. Not more than 14 months shall elapse between such inspections and there shall be at least 4 such inspections in 37 consecutive months. Each such boiler shall also be inspected externally while under pressure with at least the same frequency and at no greater intervals.

Sec. 9. Inspection certificate required; penalty. On and after 6 months from adoption of the rules formulated by the board of appeals it shall be unlawful for any person, firm, partnership or corporation to operate under pressure in this state a steam boiler to which this act applies without a valid inspection certificate as provided for in this act. The operation of a steam boiler without an inspection certificate, shall constitute a misdemeanor on the part of the owner, user or operator thereof and be punishable by a fine of not more than \$100, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.

Sec. 10. Rule governing installation of new boilers. No new steam boiler which does not conform to the rules formulated by the board of appeals governing new installations shall be installed in this state after 6 months from the date upon which the said rules shall become effective.

All new boilers to be installed after 6 months from the date upon which the rules of the board of appeals shall become effective shall be inspected during construction by an inspector authorized to inspect boilers in this state or, if constructed outside the state, by an inspector holding a certificate of authority from the chief inspector of this state, or an inspector

who holds a certificate of inspection issued by the national board of boiler and pressure vessel inspectors.

All steam boilers installed and ready for use, or being used, before the said 6 months shall have elapsed shall be made to conform to the rules of the board of appeals governing existing installations and the formula therein prescribed shall be used in determining the maximum allowable working pressure for such boilers.

Sec. 11. Inspection charge; by whom paid; disposition of. The owner or user of a steam boiler required by this act to be inspected by the chief inspector, or his deputy inspectors, shall pay the inspector upon inspection \$5. For the internal and external inspection of a boiler while not under pressure having a grate area of more than 10 square feet or equivalent, the fee shall be \$5 and, in addition, 10c for every square foot of grate area in excess of 10 square feet or equivalent. For the external inspection of a boiler while under operation conditions, the fee shall be \$2.50. For the inspection of a miniature boiler, the fee shall be \$2.00. For a hydrostatic test of any boiler except miniature boilers, a fee of \$5.00 shall be charged in addition to the inspection fees hereinbefore provided for, provided that not more than \$12.50 shall be collected for such inspection of any one boiler made for any 1 year exclusive of the fee for hydrostatic test unless additional inspections are required by the owners or users of the same or unless the boiler has been inspected and a certificate has been refused, withheld or withdrawn, or unless an additional inspection is required because of the change of location of a stationary boiler. The type and size of the miniature boiler to be inspected shall be determined by the board of appeals. The inspector shall give receipts for said fees and shall pay all sums so received to the chief boiler inspector who shall pay the same to the commissioner of labor and industry who shall turn same over to the treasurer of state to be credited to the general fund of the department.

Sec. 12. Application of this act to boilers now in use. This act shall not be construed as in any way preventing the use or sale of steam boilers in this state which shall have been installed or in use in this state prior to the taking effect of this act and which shall have been made to conform to the rules of the board of appeals governing existing installations and which shall have been inspected as provided for in section 61 of this act.

Sec. 13. Exemptions. This act shall not apply to boilers which are under federal control; or those under the control of the public utilities 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 which carry pressures not exceeding 15 pounds per square inch, constructed and installed in accordance with the rules adopted by board of appeals; or to miniature boilers exempt by the provisions of section 64.

Sec. 14. Chief and deputy inspectors to furnish bond. The chief inspector shall furnish a bond in the sum of \$2000 and each deputy inspector shall furnish a bond in the sum of \$1000 conditioned upon the faithful performance of their respective duties and upon a true accounting of all moneys handled by them respectively and the payment over thereof to an officer of the state having authority to accept same and issue a receipt therefor. The cost of said bonds shall be paid by the department.

Sec. 15. Repealing clause; constitutionality of act; words defined. All acts and parts of acts inconsistent with any provisions of this act are hereby repealed or amended in conformity hereto, and if any section, subsection, sentence, clause or phrase of this act is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Definitions:

“Department” shall mean the state department of labor and industry.

The title “deputy inspector” or “special inspector” shall mean a person holding a certificate of authority to inspect boilers within the state of Maine.

The term “approved” shall mean approved by the department of labor and industry.

The word “code” as used in this act shall mean the power boiler code of the American society of mechanical engineers.